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MINISTRY OF LABOUR

REPORT ON THE ADMINISTRATION OF THE OCCUPATIONAL HEALTH AND SAFETY ACT

VOLUME I
JANUARY, 1987

SUBMITTED BY:

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ONTARIO MINISTRY OF LABOUR

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January, 1987

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January 9, 1987

Mr. Glenn R. Thompson
Deputy Minister
Ministry of Labour
400 University Avenue
Toronto, Ontario
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Dear Mr. Thompson:

We are pleased to submit this report on the Occupational Health and Safety Division of the Ministry of Labour. Our inquiry has been conducted in accordance with the terms of reference provided to us and dated May 27, 1986.

Yours very truly,

Geoffrey G. McKenzie

John I. Laskin

MINISTRY OF LABOUR

ADMINISTRATION OF THE OCCUPATIONAL HEALTH AND SAFETY ACT

TABLE OF CONTENTS

VOLUME I

EXECUTIVE SUMMARY

BACKGROUND, TERMS OF REFERENCE AND STUDY PERSPECTIVE

ACKNOWLEDGEMENTS

PART ONE: MANAGEMENT AUDIT OF THE OCCUPATIONAL HEALTH AND SAFETY DIVISION

VOLUME II

PART TWO: ENFORCEMENT OF THE OCCUPATIONAL HEALTH AND SAFETY ACT

EXECUTIVE SUMMARY

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On May 27, 1986, the Minister of Labour, the Hon. William Wrye, announced in the Provincial Legislature that an independent, external review would be conducted into all aspects of the administration of The Occupational Health and Safety Act, R.S.O. 1986, c 321. The decision to conduct this review followed submission of a brief by the Occupational Health and Safety Officers Subcommittee of the Ontario Public Service Employers Union's Divisional Negotiating Committee alleging misconduct by Ministry staff, as well as a number of policy and administrative deficiencies in the way in which employees of the Occupational Health and Safety Division (the Division) of the Ministry of Labour perform their work.

The allegations which gave rise to this review are serious. They have necessitated a thorough investigation on two fronts: an examination of the management policies and practices of the Division - a "management audit" - and a detailed review by legal counsel of every case where allegations of impropriety were made by the Division's critics.

In view of the serious nature of the allegations, the observations and recommendations of the McKenzie-Laskin inquiry must be put in perspective. Failure to do so would be to ignore the considerable achievements of the Division over its relatively short seven-year history. Care must also be taken to distinguish between issues of management, judgement and administrative practices, on the one hand, and deliberate or willful attempts to circumvent the Act, on the other.

Occupational health and safety has come a long way in the last decade. From a relatively simple system ten years ago, concerned almost entirely with safety issues such as hard hats and machine guarding, the complexity has increased manyfold. The major preoccupation today concerns health issues. The Ontario

system has evolved in response to this shifting concern, and has established a substantial competence in the occupational health field. The Division now employs an able cadre of doctors, nurses, hygienists and other health care technicians. It would be unfair to criticize safety inspectors, in many cases hired years ago, for their difficulties in coping with health hazards, such as toxic chemicals, with which they may not be familiar, especially since they can call on their colleagues in the Occupational Health Branch for assistance.

While it is fair to comment on training programs and potential for organizational improvements, as will be done in this report, it should be note that the same problems are being experienced in other jurisdictions, and there is no evidence that Ontario lags behind them in adapting to current needs.

Much progress has been made in Ontario in the last decade through a consensual relationship. The Division, in carrying out its tasks, has worked with labour and employer groups and, through cooperation, awareness of workplace hazards has been increased and useful programs have been put in place. Occupational health and safety is a field where all stand to gain through collaboration. In fact, further progress in the next decade requires that ways be found to increase the involvement of labour and management as partners in tackling the major concerns which still exist. If the publication of this report achieves nothing more than uniting labour and management in a renewed effort to find practical ways to cope with health and safety hazards in the workplace, it will have served a useful purpose.

Occupational health and safety provides a ready platform for critics who do not have to bear the responsibility for developing and implementing practical solutions. Criticism is inevitable; the hazards are real and they are increasing, both in number and in severity. The public has been aroused and is concerned. In these circumstances, critics can occupy the "high ground" in the emotional debate over what constitutes a reasonable and acceptable balance between workplace risk and economic growth. The public administrator is thus placed on the defensive, caught in the middle between opposing forces.

On the labour side, many critics are sincere and committed to working with industry and government to find practical solutions which will protect workers, without jeopardizing industrial competitiveness and employment. At the policy level, the leadership has been constructive. However, within the health and safety sector of the labour movement, other voices are heard.

At least some members of the latter group are ideologically opposed to cooperative solutions and believe that the system must be changed. They call for an expanded inspectorate, acting not as monitors, mediators and problem solvers, but as policemen using prosecutions as the major tool. Unfortunately, there is evidence that members of this group have another agenda and are using occupational health and safety to achieve other objectives. This is particularly destructive, because finding acceptable solutions to workplace hazards depends upon cooperation between labour, management and the regulatory authorities. The visibility of this minority group in the labour movement has been enhanced by the change of government. When in opposition, and even now in power, members of the government have, on occasion, sided with those who favour the "big stick" approach to occupational health and safety administration.

The strident criticism by some segments of labour has been matched by an unhelpful silence on the part of most employers. The management community has been essentially passive in the public debate, believing that they are in a "no win" situation. Short of achieving a perfect accident and health record, they perceive that they will always be in a defensive position, and therefore vulnerable. The administration of the Division also finds itself in a defensive position. It is the subject of most of the allegations announced in the OPSEU brief, and its members perceive that the focus of those allegations has shifted. Initially, much of the public criticism and comments in the House centered on the quality of inspections and the failure of inspectors to issue orders to correct workplace hazards. OPSEU, which represents the inspectors, has shifted the emphasis to allegations of inadequate training, deficiencies in the legal branch, and a reluctance to prosecute. Given their obligation to represent and protect their members, this shift in emphasis is understandable.

A further complication has to do with resources. The Division has been forced to respond to budget cuts, especially during the period since the serious recession of 1981-82, at the very time when demands for service were increasing and criticism from various quarters was intensified.

When considering the position of the Division, it is well to keep in mind that the legislation is based on the internal responsibility system and on voluntary compliance with the legislation. Under this concept, which, incidentally, is widely supported by all parties, the prime responsibility for a safe and healthy work environment rests with the worker, the supervisor and the employer, acting in concert.

The Role of The Division

On October 1, 1979, the Occupational Health and Safety Act (the Act) was proclaimed in Ontario. The Act is based on the concept of self-compliance and recognition of the principle that the prime focus of responsibility to control occupational risks rests with the employer, the supervisor in the workplace, and the worker. This philosophy of self-compliance has become known as the internal responsibility system (IRS). Although not specifically mentioned in the Act, it comprises the foundation upon which the statute and regulations have been constructed.

The success of the IRS depends upon top management commitment and other factors, including:

- a sustained presence in the workplace by Division personnel through regular inspections,
- access by workers to relevant information on health and safety hazards,
- education and training on health and safety for workers and managers, and
- consistent enforcement of the Act and meaningful penalties for those who violate the rules.

The IRS offers the best assurance of long-term improvement in workplace conditions. The Act is technically sound and the principles underlying the IRS are appropriate.

There is widespread debate and misunderstanding of what is intended by the IRS and of how it should be interpreted in day-to-day activities. At the working level in the field, the major concern of managers and inspectors is how to interpret the IRS and what emphasis to place, in each particular situation, on persuasion as opposed to enforcement. The difficulty faced by inspectors in striking the correct balance is compounded by the need to respond to policy shifts decreed by the Minister, as recently occurred with the introduction of the new orders policy. To assist managers and inspectors, the Division should prepare a policy statement which will assist them to correctly interpret the act and the IRS, and to respond to Ministerial direction.

The Act defines the roles of employers and workers in its provisions. A communications program to inform all parties involved in workplace health and safety of their roles and responsibilities should also be introduced.

Joint Health and Safety Committees

The establishment of joint health and safety committees (JH&S committees) under the Act and the mandate given to them were major innovations to promote occupational health and safety. The committees are intended as mechanisms to facilitate consultation, the flow of information, and the exchange of views between workers and supervisors. They are designed to reinforce the internal responsibility system and to enhance health and safety protection in the workplace.

A recent survey disclosed that 93% of workplaces required by legislation to have JH&S committees have complied. The 7% which have not complied are generally small, non-unionized establishments. Of particular concern are establishments with fewer than 20 employees where designated toxic substances are used; only 66%

of establishments in this category have established JH&S committees. Lack of knowledge of the legislation appears to be a major cause of the failure to establish committees while the presence of inspectors is a positive influence.

To encourage the formation of JH&S committees in those workplaces that do not have them, and to enhance their utility, programs in public education and in training committee members should be expanded. There is evidence that the inspectors' consultative role has a positive impact on committee activity and it should be supported. Incentives should be used to encourage employers to establish JH&S committees and they should be required to consider all committee recommendations, and to submit reasons, in writing, when proposals are rejected.

Health and safety have become bargaining issues in some establishments and the JH&S committees have become the forum for debate and confrontation. This is unfortunate because health and safety improvements are more likely to occur when labour and management work together. To encourage such cooperation, representatives on JH&S committees should be selected from among those who are not involved in the collective bargaining process, wherever practicable.

Prevention

The majority of employers and workers know that the main objective of the workplace is to be productive, but not at the expense of injury to workers or their exposure to hazards that may affect their health. They readily accept their responsibilities and, therefore, programs aimed at increasing awareness of the risks of industrial diseases and accidents, and at fostering safe working conditions, are likely to be well received and useful. Moreover, such prevention activities are more humane and cost-effective than programs which provide compensation for injured workers.

A focus on prevention is entirely compatible with the philosophy of self-compliance as it provides information, advice and support to workers and employers in their quest for safe and healthy workplaces. In Ontario, the prevention role is seen to be a natural complement of the enforcement role, but

prevention is not specifically mandated in the Act. Organizationally, this is reflected in the fact that there is not a separate unit within the Division charged with the responsibility for accident prevention and occupational health promotion. As a result, the manner in which it is conducted and delivered to client groups is not as well planned and integrated as it could be.

The Division should assume a more proactive, direct responsibility for prevention and should formalize and strengthen this part of its mandate. A Prevention and Promotion Branch should also be established within the Division to formulate prevention policies and programs to support the inspectorate, and for industry. To demonstrate its commitment, the Division's role in this regard should be clearly stated in a preamble to the Act.

Research

The Division is involved in various forms of research and has achieved international recognition for some projects.

Research funds are derived from transfer payments supplied by the Provincial government, a portion of which are derived from lottery revenues, and from a small portion of the Division's budget. In recent years, as a result of fiscal restraints, the funds available for research have shrunk and activity has had to be curtailed.

It is important for the Division to sustain research activities because they:

- enhance the image of the Division by giving it credibility and recognition;
- help to attract top calibre scientists to the Division;
- lead to an understanding of workplace hazards;
- provide the information needed to set exposure limits, design control procedures and evaluate their effectiveness; and

- stimulate employees, keep them up-to-date and enable them to deal on an equal footing with their counterparts in industry.

The Division should formally recognize its role in research, particularly applied research. A research plan and policies should be established, and an adequate budget should be provided and protected.

Organization

There are opportunities to improve the organization of the Division as follows:

- Under the current structure the responsibility for the management of the Division is split between the Assistant Deputy Minister and the Executive Director. Also, there are three functions serving the Division that report independently to the Deputy Minister. Thus, the Deputy must coordinate five subordinates to ensure the smooth functioning of the Division.

  This is not an appropriate arrangement. A single position of assistant deputy minister status should be accountable for the Division's operations.

- Client services are delivered largely through three line branches - the Industrial, Construction and Mining Branches - and through the Occupational Health Branch (OHB). The three line branches are decentralized in regional offices across the Province. The OHB is centralized with each function reporting to Head Office in Toronto. Although the inspectors in the line branches have responsibility for both safety and health services, they are safety oriented. When they require specialized health services, they rely on the skills of the OHB.

  With increasing concern is the workplaces over health issues, a greater health presence is required. To achieve this goal, inspectors and OHB staff must work together in serving clients, while preserving the "single window" concept whereby the Division assigns responsibility to one individual for coordinating all contacts with a workplace.

The field services of the OHB should be integrated with the three line branches in an Operations Branch, headed by an Executive Director. The technical and professional standards of field staff should be maintained through functional direction, provided centrally. The advantages of this arrangement are:

- a senior position of Executive Director rank will be responsible for most field services;

- decisions respecting the deployment of field staff will be decentralized;

- a stronger, better integrated field delivery service;

- the Assistant Deputy Minister responsible for the Division's operations will not have to coordinate health and safety services, leaving him or her free of this duty, and thus able to concentrate on policy and general management.

Field services should be delivered through regional offices, each headed by a Regional Director, reporting to the Executive Director, Operations. Appropriate administrative and professional support services should be provided to the Executive Director.

- Support services are now delivered through five staff units: the Standards and Programs Branch, the Strategic Policy Unit, the Program Development Unit, the Resource Section of the Occupational Health Branch, and the Special Studies and Services Branch. These support services should be rationalized and accountability for each service should be clarified.

- The top organization structure of the Division should comprise five sections, each reporting directly to the Assistant Deputy Minister:

1. Prevention and Promotion
2. Health Services
3. Operations
4. Administration
5. Policy and Regulations

The Inspectorate

The capacity of the Division is reflected to a large extent by the competence of the inspectorate which, in turn, depends upon an effective human resources program. This review has confirmed that recruiting standards and qualifications, training programs and career development plans for the inspectorate require significant improvement.

The main advantage of the current recruiting policy is that, with a minimum of training, a person familiar with industrial processes and safety, and industrial relations, can quickly be placed in the field. Prior to 1979, with the emphasis on safety, the hiring policy suited the needs of the workplace. However, since 1979, there have been two major developments: the mandate of the Division has expanded into the field of occupational health, and the Division has adopted the philosophy of the IRS. These changes have placed increased demands on the inspectorate, yet recruiting policy has not been altered sufficiently to reflect these new requirements. Recruiting policies should be amended to reflect the current demands of the inspector's job, including a requirement that candidates have a degree in engineering or science from a recognized university, or equivalent.

The current training program consists of two components: an orientation program for new employees, and upgrading training for existing inspectors. There are two improvements needed in the orientation program: a test should be administered to ensure that the training material is understood; there should be formalized and consistent procedures for initial on-the-job training.

There are also improvements needed in upgrading training. First, there is no requirement for inspectors to complete certain essential core courses to attain professional skills and standards. Second, in comparison to certain other jurisdictions, the Division has fewer resources to commit to sustained training. Third, the increased emphasis on occupational health requires training programs for inspectors who are now primarily safety oriented. Finally, most inspectors believe that they are not adequately prepared to enforce designated substance regulations.

Initial on-the-job training for inspectors should be formalized; core courses should be developed with mandatory testing. Training programs in occupational health and improved training in the handling of toxic substances should be implemented. The Division should allocate 10-15 days annually for each inspector for upgrading training and professional development.

Career progression for inspectors is limited. In the Mining Branch, there is no opportunity for promotion to a supervisory level unless the inspector has an engineering degree. In the Construction Branch, there is one level of promotion to supervisor, and in the Industrial Branch, there are two levels, the second being area administrator.

The salary range is narrow, with the maximum level being achieved within two years (approximately $34,000), with cost of living adjustments thereafter. There is little monetary incentive to be promoted to a supervisory level.

To attract and retain qualified and dedicated inspectors, a career development program should be implemented. The program should provide for performance appriasals conducted at least annually. Promotions to the manager level should be based on objective criteria which should be described and communicated to all inspectors.

A comprehensive human resources program which integrates recruiting policies, training programs and career development plans should be developed. Three levels of inspector should be established and promotions should be considered only after certification at each level.

Client Programs

The most obvious role of the Division is auditing and promoting employer and worker compliance with the law. The Division's client programs include the routine inspection of workplaces; investigating complaints, accidents, work refusals and fatalities; issuing orders for compliance; initiating prosecutions; hearing appeals; conducting pre-development reviews; and regulating toxic substances.

- Routine inspections are essential to maintain the Division's presence in the workplace. Inspectors are operating under the dual pressure of reduced resources and an increased workload, particularly in the Industrial and Construction Branches. This has occurred at a time when health-related issues have assumed greater importance and the Division requires an increased health presence in the workplace.

  A number of corrective measures are required: the complement of inspectors should be increased; the field staff of the OHB should be merged with the line branches in a decentralized and regionalized field service; the regions should be provided with the capability to analyze accident and injury trends so that they can allocate resources where they are most needed; innovative programs should be introduced; and greater emphasis should be placed on incentives to stimulate workplace behaviour.

- The Division has a statutory mandate to conduct investigations in response to fatalities, accidents, work refusals and complaints. The Division treats investigations as a priority; the response is prompt and efficient, the resources are adequate, and there is not an extensive backlog.

- Many inspectors have not been adequately trained in investigative techniques. Only the most qualified inspectors should be selected to conduct investigations. They should receive appropriate training and recognition through status, title, and remuneration.

- The inspector has a number of tools available to encourage compliance. While consultation and persuasion are effective to establish an understanding of the hazards and to inform parties of their responsibilities, punitive measures such as orders to comply, stop work orders, tickets and prosecutions are used for violations of the Act.

Prosecutions under the Act are currently limited to either a $25,000 fine or twelve months in jail, or both. However, fines awarded by the courts have averaged approximately $2,000 and a jail sentence has never been given. The Minister is reviewing the adequacy of penalties and is proposing to increase the maximum. An increase is clearly justified and is supported by this study.

Toxic Substances

One of the major and most controversial issues facing employers and the Division is the control of worker exposure to toxic substances. With the introduction of the new Act in 1979, and the expanded mandate in the field of occupational health, the Division adopted a dual approach for the overall control of toxic substances. The first is control through regulations for particular designated substances and the second is control by guidelines for all other substances. The Division has recently reviewed both approaches and has responded to the need for stronger legislation and a more all-inclusive policy.

This comprehensive policy will include three components. First, "right to know" legislation will require the classification and labelling of hazardous materials. Second, expanded and revised toxic substance regulations will be more comprehensive than heretofore in terms of the greater number of toxic substances subject to specific regulation. Third, a generic designated substances policy will replace the current lengthy process of designation on a substance by substance basis, by grouping together substances with similar characteristics and controlling them under one regulation.

This study recognizes the substantial improvement that will result from the new policy.

An integral component of the new strategy will be participation by both labour and industry representatives in the new generic designated substances regulations. The process will provide for setting criteria for selecting and priorizing substances for designation. A multi-partite panel will be

established, comprised of labour, employer and government representatives, with a neutral authroity serving as chairman. Additional substances should not be selected for designation until the selection criteria have been developed by the panel.

Internal Management Systems

The commitment to long-range planning should be strengthened and a formal strategic planning process should be introduced. A small planning unit should be established which would, among other things, monitor trends in the workplace and assess related occupational risks, thus providing the information needed to deploy the Division's resources.

The annual planning and budgeting process is well executed and the Division has been complimented by Management Board.

The Division has adopted a 'crisis management' policy to cope with exceptional problems that have been encountered. Procedures enabling the Division to respond to emergencies are indeed needed, but rules should be established governing their use to avoid inappropriate application.

Policy development procedures work well and a number of significant policies have been introduced within the last year. However, the process is slow and it consumes the valuable times of field personnel. Procedures should be modified to accelerate the process.

All large, complex organizations depend upon the accurate, timely flow of information, both internally and between the organization and external bodies. This is certainly true of the Division which, as a service organization, has no tangible products, but functions by gathering, analyzing and dispersing information. It is truly an information processing organization and its effectiveness is therefore dependent, in large measure, on the extent and quality of its information systems.

In this respect, the Division is deficient. It has information systems and technology which are almost two decades out of date - an eternity by current industry standards. A major overhaul is needed and, accordingly, the Division's information systems and computer technology should be reviewed and modernized to meet the needs of users, consistent with the Division's role and organization described in this report.

Organization Culture

The Division's mandate results in a complex environment in which its personnel must discharge their duties and responsibilities. This complexity derives from:

- the sensitive nature of the Division's work which requires a high degree of judgement in determining appropriate actions to deal with hazards in the workplace;

- the legitimate vested interests and expectations of workers, union officials, employers and other interested parties; and

- the policies and programs of the government which the Division is charged to administer under the Act.

Staff are constantly having to assess the trade-offs involved in coping with these elements. Their effectiveness is substantially influenced by the leadership and style of the Minister and senior managers. This is manifested, and can be judged, by the morale of employees, evidence of team spirit, confidence displayed by managers and staff, and their level of dedication and commitment to achieving the Division's goals and objectives.

This review has confirmed that the Division is fortunate to have a large number of dedicated and well-qualified staff. Most are committed to high levels of performance and to achieving the goals and objectives of the Division. They believe in the importance and relevance of their jobs. Their basic motivation and values are sound. However, there is a need to build up the self-confidence of the Division's employees. This is a key challenge for the Minister, Deputy Minister and senior managers. Skillful leadership will be required on their part to build upon the key strength of employee dedication and commitment in providing a high level of service in the administration of the Occupational Health and Safety Act.

The Allegations of Misconduct

The Brief submitted by OPSEU makes a number of allegations relating to deficiencies in the enforcement of the Act and prosecutions thereunder. Some of these allegations are extremely serious and in fact amount to a charge of misconduct on the part of Ministry staff in the performance of their duties.

The allegations made in its Brief were reiterated and expanded upon in a written submission made by OPSEU which was delivered to the Review at the end of September. Taken together the OPSEU Brief and the OPSEU Submission constitute a harsh indictment of the conduct of senior management of the Ministry and the Legal Branch in the matters of enforcement and prosecution. Three principal allegations are made by OPSEU. They are as follows:

(i) Senior management within the Ministry is intentionally and systematically thwarting prosecutions under the Act. Put differently, there is a resolute reluctance on the part of the senior administration of the Ministry to enforce the Act and there is a lack of political will to prosecute.

(ii) The Legal Branch of the Ministry has failed to perform its obligations in a satisfactory or even adequate manner.

(iii) The inspectors in their efforts to perform their duties under the Act are being undermined by their managers.

Review Procedures

The Review was not intended to be a public inquiry. It was considered that the process that was established had the advantages of candor, informality

and expedition. However, a number of procedural safeguards were adopted by the Review in order to ensure that affected parties were treated fairly. For example the Review undertook in writing that if at any time during the course of the Review it appeared there may be sufficient grounds for making any comment or recommendation that may adversely affect any person, the person concerned would be given an opportunity to make representations either personally or by counsel. Persons questioned by the reviewers had the right to be accompanied by counsel if they so wished and confidentiality of source was assured to any person willing to give information to the Review. In addition the Deputy Minister undertook in writing to OPSEU that there would be no employment reprisals against any employees of the Ministry who gave information to the Review and that OPSEU would have the right to provide legal representation to any members of the bargaining unit who may be required to give evidence or otherwise assist the Review. For its part, the Ministry made full disclosure to the reviewers of all documents relevant to the terms of reference.

Evidence alleged to support the charges of misconduct was presented to the Review not only by OPSEU but by a number of other interested parties. Taken together, all of these parties provided to the Review a total of 77 individual cases. The Review investigated every one of these cases in order to determine whether any of them supported the allegations of misconduct. In respect of every case the Review obtained all relevant Ministry files and questioned, to the extent they were prepared to speak to the reviewers, all persons who had relevant information concerning a particular case. The results of these inquiries are recorded in the case summaries which appear in the appendix to Part Two. These case summaries form the basis for the findings with respect to the allegations of misconduct.

The Alleged Thwarting of Enforcement

Of all of the allegations made by OPSEU by far the most serious was the charge of thwarting of prosecutions by the senior management of the Ministry. In the OPSEU Brief the allegation is put in these terms:

> "In our view there is a resolute reluctance on the part of this ministry's senior administration to initiate prosecutions that inspectors have requested, and an equal reluctance to successfully prosecute when these have been undertaken ...
>
> Based on considerable experience in this area, it definitely appears that the legal branch or a segment of the legal branch is being intentionally thwarted by senior officials in its efforts to properly prosecute ... most importantly, we do not see the political will to actually prosecute ..."

In the OPSEU Submission delivered to the Review in September the following language is used:

> "Our May 21, 1986 brief to Labour Minister Bill Wrye stated that aggressive enforcement of health and safety legislation was being prevented. We pointed to the reluctance of the ministry's senior administration to prosecute offenders. We suggested that prosecutions and orders were being intentionally and systematically obstructed."

This is not the language of negligence in administration, of error in judgment, of occasional mistakes that are likely to occur in any large organization. The allegations made by OPSEU suggest deliberate wrongdoing, intentional attempts to obstruct the enforcement of the Act and to thwart the administration of justice--in short, misconduct.

In order to assess these allegations, it is important to recognize the role of prosecution under the IRS. Under the IRS the Ministry is both a

facilitator and an enforcer. Its primary goal should be to encourage and facilitate the parties at the workplace to resolve health and safety problems themselves. Enforcement powers are to be used only when there has been an inadequate response by employer or worker. Prosecution is not the only nor indeed the preferred way to achieve compliance with workplace health and safety requirements.

The IRS has been subject to stern criticism by some members of the labour movement. The OPSEU submission contains an indictment of the internal responsibility system in these words:

> "It is clear that the internal responsibility system is entirely inappropriate and ineffective. The concept is based on changing the mechanism for compliance with health and safety laws from enforcement to self-compliance, and then to ethical compliance. Inspectors are relegated to a role of facilitator in this process.
>
> This concept ignores the current state of labour management relations, the balance of power between employers and employees and serious deficiencies in the present legal framework. It is completely inapplicable in transient production sectors such as the construction industry."

What is clear to the Review is that those who attack the Ministry's enforcement of the Act also attack the very philosophy that underlies the Act. For them, enforcement of occupational health and safety legislation should be no different than enforcement of the Highway Traffic Act or even the Criminal Code. An inspector should no more seek to facilitate the employer to achieve a proper assessment and control program under a designated substances regulation than he should seek to persuade a thief not to steal again. Those who reject the IRS for a policeman's approach to enforcement under the Act cannot help but be unhappy with the Ministry's performance in the area of prosecution. The Ministry and its critics are beginning from different starting lines.

Whether there may be merit or not in the criticism of the internal responsibility system (and Part One argues for confirmation of the philosophy of self-compliance), the conduct of the Ministry in enforcement and prosecution must be judged on the basis that the IRS prevails and underlies the legislation. This is the basis upon which the Review examined the allegations of misconduct.

The principal findings with respect to the allegation that senior Ministry officials have thwarted enforcement are as follows:

(i) There is no evidence of misconduct by senior Ministry officials. Accordingly, there is no conduct on the part of senior management which warrants further investigation.

(ii) In particular, there is no evidence of the thwarting or the obstruction of any prosecution by the senior management of the Ministry. Nor is there any "resolute reluctance" or lack of a political will to enforce the Act.

(iii) There does not appear to have been a completely consistent view within the Division in the extent to which prosecutions should be used to achieve compliance with the Act and the regulations.

(iv) There is evidence in several cases that the Ministry has failed to follow up promptly on outstanding orders.

(v) There is also evidence that in several cases the Ministry has issued too many repeat orders thereby permitting situations of non-compliance to continue for unreasonable periods of time.

(vi) The Ministry has encountered difficulties in several cases in enforcing the regulation of toxic substances. These difficulties

have been attributable to problems of proof inherent in the regulations themselves, the failure to follow up appropriately on outstanding orders and the issuance of an excessive number of repeat orders.

(vii) There is evidence that mediation has unreasonably delayed the hearing of appeals of orders made by inspectors under section 32 of the Act. The appeal process must be tightened up considerably. The time limits of the statute should be observed. Mediation should take place but should be limited in time rather than open-ended. Appeals should be heard and disposed of promptly.

(viii) There is no evidence that pre-appeal mediation has been used by the Ministry to hinder or preclude prosecution.

(ix) The Ministry rarely prosecutes employers for reprisals under section 24(1) of the Act, but reprisals can be more appropriately dealt with by the Ontario Labour Relations Board.

(x) The Ministry exercises an appropriate discretion to consider the issue of compassion in determining whether to prosecute.

(xi) No evidence was brought before us to support the allegation that inspectors are "specifically instructed not to issue orders under the general duty provisions of the Act".

(xii) There is no evidence of a reluctance on the part of the Ministry to prosecute public servants in other parts of the government.

The Legal Branch

OPSEU is particularly critical of the Legal Branch and its performance. The criticism centres on the following specific allegations:

(i) the Legal Branch takes too long to respond to cases sent by inspectors with the result that there is an inordinate delay in the laying of charges. In some instances one-year limitation periods are missed altogether;

(ii) the Legal Branch is not properly preparing and prosecuting cases;

(iii) many special action requests by inspectors recommending prosecution are not being acted upon by the Legal Branch;

(iv) the Legal Branch does not communicate with or consult with the inspectors on cases sent for prosecution;

(v) Ministry lawyers have missed court dates resulting in the dismissal of charges;

(vi) the Legal Branch too often engages in plea bargaining to dispose of cases;

(vii) the Legal Branch provides "seriously questionable" interpretations of the Act and the regulations which have the practical effect of narrowing inspectors' enforcement powers.

The principal findings with respect to the allegations made against the Legal Branch are as follows:

(i) There is no evidence of misconduct by the Legal Branch or any member thereof. Accordingly, there is no conduct on the part of the Legal Branch which warrants further investigation.

(ii) The Legal Branch has been understaffed and has not had adequate support. If the workload continues to increase, further expansion of the Legal Branch should be planned for.

(iii) There is evidence of a backlog of cases with the result that charges are not being laid as promptly as they should be. The delays that have occurred are attributable to the heavy caseload caused by understaffing and the lack of proper support.

(iv) There has been an absence of a proper case tracking system with the Legal Branch. The limitation period under the Act was missed in respect of two fatalities. Recently, a fatality case tracking system has been instituted to prevent a recurrence of missed limitation periods.

(v) There is no evidence of a serious problem of inadequate preparation and unsatisfactory prosecution of cases. The statistics cited by OPSEU do not support its contention that the performance of the Legal Branch is unsatisfactory.

(vi) There is evidence that on occasion less serious cases are not prepared as thoroughly as they could be. There is also evidence that on less serious cases the lawyer does not meet with the inspector to review the latter's evidence until the morning of trial.

(vii) There is little evidence of failure to act on special action requests. There are a few cases where a branch recommendation was rejected by the Legal Branch. The decision not to prosecute turned on the assessment by the Legal Branch of the sufficiency of the evidence.

(viii) There have been communication problems between the Legal Branch and the line branches. There was a particularly serious rift between the Legal Branch and the CHSB in 1984. Communication and relations between the branches have improved considerably in the past year.

(ix) There are still some instances in which the status of cases and the decisions made by the Legal Branch are not adequately communicated to inspectors. Directors of the line branches have a responsibility in this area as well.

(x) The system for attending first appearances and setting trial dates generally works effectively. There were three instances in which first appearances or trial dates were missed, resulting in the dismissal of charges. The Legal Branch was partly at fault on one case. In the other cases, the CHSB was at fault.

(xi) There have not been an unwarranted number of plea bargains, nor is there evidence of improper plea bargaining. Plea bargains have not always been discussed in advance with the line branch. The practice of overcharging and the practice of withdrawing charges against individual supervisors should be discouraged in favour of an individual assessment of each case on the merits.

(xii) There is no evidence that the Legal Branch provides "seriously questionable" legal opinions.

The Alleged Undermining of Inspectors

The last principal allegation made by OPSEU is that "inspectors are discouraged by front-line managers from enforcing the Act. Inspectors are relegated to a role of mediator rather than enforcer". OPSEU claims that "when strict enforcement has been sought, inspectors have found themselves confronted by line managers in consort [sic] with the employer in an effort to have the inspector retreat from his or her original position".

The undermining of inspectors' enforcement duties is alleged to occur in a number of ways:

(i) by supervisors rescinding or overruling inspectors' orders;

(ii) by managers (at times in conjunction with employers) pressuring inspectors to retreat from their original recommendations;

(iii) by supervisors arranging private or special consultations with employers concerning orders issued by inspectors;

(iv) by supervisors interfering with prosecutions initiated by inspectors.

The principal findings of the Review with respect to the allegation that managers are undermining inspectors are as follows:

(i) There is no evidence of misconduct by managers. Accordingly, there is no conduct on the part of managers which warrants further investigation.

(ii) There are cases where managers or supervisors have overruled inspectors and have rescinded or amended orders by them. There is no evidence of bad faith or improper conduct on the part of managers in these cases.

(iii) Managers must have supervisory authority to cause inspectors' orders they believe to be wrong to be rescinded and where appropriate to issue new orders. In some cases, managers have rescinded orders without advising the inspectors who made them. A more appropriate course of action for rescinding orders is to do so through the original inspector.

(iv) There is no evidence that managers and employers have acted in concert to pressure an inspector to alter his position.

(v) There is one case in which the result of a private consultation between the Ministry and an employer was inappropriate. Apart from that case, there is no evidence of improper or inappropriate management consultation.

(vi) There was no evidence of improper interference by managers with recommendations to prosecute made by inspectors. Managers and inspectors occasionally differed as to the appropriateness of prosecution in a particular case.

Conclusion

The Review was prompted by very serious allegations in respect of the administration and enforcement of the Act. Those allegations were directed particularly against the senior management of the Ministry and against its Legal Branch. The Review has concluded that the evidence does not

substantiate these allegations. Of the 77 cases examined in detail relatively few give cause for concern. The most troubling cases appear to involve an insufficiently prompt and effective enforcement of the legislation and workplaces using toxic substances. There are some cases where the Ministry was negligent. There are other cases where with hindsight one might have wished that different decisions had been made, but there is no evidence that improper motives were involved. Most of these other cases seem to turn largely on differences of opinion or at worst errors in judgment on difficult fact situations.

The Review recognizes that problems still remain in the administration and enforcement of the Act. A number of factors lie behind the current problems facing the Division. These factors include greater public expectations and concerns about environmental and health matters; the increasingly complex issues that have emerged in the field of toxic substances; the politicization of health and safety concerns; the understaffing of the Division; the fact of an older workforce, hired on previously appropriate criteria, but perhaps insufficiently trained to address the difficult health issues that have arisen; and the tensions due to the recent change in government. The Ministry must address these factors if the current problems in occupational health and safety are to be alleviated.

BACKGROUND, TERMS OF REFERENCE AND STUDY PERSPECTIVE

BACKGROUND, TERMS OF REFERENCE AND STUDY PERSPECTIVE

On May 27, 1986, the Minister of Labour, the Hon. William Wrye, announced in the Provincial Legislature that an independent, external review would be conducted into all aspects of the administration of the Occupational Health and Safety Act, R.S.O. 1980, c. 321. The decision to conduct this review followed the submission of a brief by the Occupational Health and Safety Officers Subcommittee of the Ontario Public Service Employees Union's Divisional Negotiating Committee alleging misconduct by Ministry staff, as well as a number of policy and administrative deficiencies in the way in which employees of the Occupational Health and Safety Division of the Ministry of Labour perform their work.

The Minister appointed Mr. Geoffrey G. McKenzie of The Coopers & Lybrand Consulting Group, Management Consultants, and Mr. John I. Laskin of Davies, Ward & Beck, Barristers and Solicitors, to undertake the review. It has now been completed, and the findings and conclusions, together with recommendations for improving the administration of the Act, are included in this report which comprises two parts, as follows:

Part One - contains the results of a management audit of the Occupational Health and Safety Division;

Part Two - contains the results of an inquiry into the allegations of misconduct by Ministry employees in the enforcement of the Occupational Health and Safety Act.

The reviewers believe that their enquiries have been both thorough and comprehensive. All important aspects of the administration of the Act have been examined and every instance in which allegations of improprieties have been made has been investigated. The review could not have been completed within the time available without the cooperation and support of many people too numerous to

mention individually. However, the authors would be remiss in not acknowledging the full cooperation of the Minister of Labour, the Deputy Minister and his predecessor, and the staff of the Ministry, both current and former employees. Of equal significance, the review team also acknowledges the cooperation and assistance of the President of the Ontario Public Service Employees Union, and its officers. The reviewers were granted unlimited access to Ministry files, documents and reports, and all questions were answered to the full satisfaction of the review team.

A. TERMS OF REFERENCE

The allegations which gave rise to this review are serious. They go well beyond charges of maladministration, poor judgement and the occasional mistake that is bound to occur in any large organization. They explicitly state that there has been a resolute reluctance on the part of the Ministry to initiate and pursue prosecutions when there have been violations of the Act. They imply misconduct and a deliberate attempt to thwart justice and due process of law by cover-up and collusion. In short, the submission made by OPSEU alleges that the nature of wrongdoing by the Ministry involves both maladministration and misconduct by Ministry staff.

The effect of these allegations on the morale of the inspectorate, in particular, and on all staff of the Ministry, in general, was reason enough for an inquiry. But the nature of the charges, the attention they have received in the press and in the Legislature, the persistence with which they have been repeated, and the potential loss of confidence by the public in the administration of an important government program have given the inquiry an unusual prominence and importance. The situation has necessitated a thorough investigation on two fronts: an examination of the management policies and practices of the Division - a "management audit" - and a detailed review by legal counsel of every case where allegations of impropriety were made by the Division's critics. The dual nature of the inquiry is reflected in the terms of reference, which are reproduced on the following page.

TERMS OF REFERENCE
May 27, 1986

BACKGROUND

The Occupational Health & Safety Officers Subcommittee of the Ontario Public Service Employees Union's Divisional Negotiating Committee has compiled a "Submission to the Minister of Labour on Enforcement Problems Facing Occupational Health & Safety Officers";

The Submission alleges misconduct by Ministry staff, as well as a number of policy and administrative deficiencies affecting the way in which inspectors perform their work;

The areas of deficiency are alleged to be inadequate training, inconsistent policy, inadequacies of inspection cycles and staffing, deficiencies in legal enforcement and prosecutions, questionable direction on dealing with work refusals, questionable legal interpretations, hiring criteria and staff morale.

SCOPE OF THE REVIEW

The review will, with the assistance in full of all ministries, agencies, boards and commissions:

- inquire into the allegations recited above;
- evaluate the program performance, including the efficiency and effectiveness of the occupational health and safety program;
- inquire into the performance of officials in the administration of The Occupational Health and Safety Act, R.S.O. 1980, c. 321, and determine whether there exists any evidence of misconduct by those officials warranting further investigation;
- inquire into the administration of the Occupational Health and Safety Division, the Legal Services Branch and as necessary other branches, divisions and offices of the Ministry;
- conduct a management audit of the Occupational Health and Safety program;
- study any other related matters deemed necessary;
- recommend changes to implement the findings.

B. STUDY PERSPECTIVE

In view of the serious nature of the allegations that have been made, the observations and recommendations of the McKenzie-Laskin inquiry must be put in perspective. Failure to do so would be to ignore the considerable achievements of the Division over its relatively short seven-year history, operating in one of the most difficult fields of public administration in the Ontario Government. If fault is to be found, care must be taken to ensure that it is properly directed and that innocent people do not suffer. Care must also be taken to distinguish between issues of management, judgement and administrative practices, on the one hand, and deliberate or willful attempts to circumvent the Act, on the other. The former would demand correction through reorganization and the introduction of better policies and systems. The latter would require sterner measures.

If misconduct were found to exist, remedial action against the individuals concerned would be the appropriate response and, in this case, the contextual framework is of little consequence. But if the problems of the Division are confined to issues of management, organization, operating philosophy and judgement, the history of the Division and the context in which it operates are vital concerns in assessing its performance.

Occupational health and safety has come a long way in the last decade. From a relatively simple system ten years ago, concerned almost entirely with safety issues such as hard hats and machine guarding, the complexity has increased manyfold. The major preoccupation today concerns health issues. The Ontario system has evolved in response to this shifting concern, and has established a substantial competence in the occupational health field. The Division now employs an able cadre of doctors, nurses, hygienists and other health care technicians. It would be unfair to criticize safety inspectors, in many cases hired years ago, for their difficulties in coping with health hazards, such as toxic chemicals, with which they may not be familiar, especially since they can call on their colleagues in the Occupational Health Branch for assistance.

While it is fair to comment on training programs and potential for organizational improvements, as will be done in this report, it should be noted that the same problems are being experienced in other jurisdictions, and there is no evidence that Ontario lags behind them in adapting to current needs.

It should also be acknowledged that the Division recognized the need to change its organization before the publication of the OPSEU brief and the intensification of external pressures. Early in May, the former Deputy Minister initiated a review of the organization of the Division. This initiative was independent of the subsequent decision to conduct this inquiry and was, in fact, pre-empted by that decision.

Much progress has been made in Ontario in the last decade in introducing the new Act; in merging important elements of the Ministry of Health and the Ministry of Natural Resources with the then existing safety programs of the Ministry of Labour; in developing a comprehensive set of detailed regulations in each of the industrial, construction and mining sectors; in developing detailed prototype toxic substance regulations which are more comprehensive than in any other Canadian jurisdiction, and applying them to ten of the most toxic substances in use in Ontario industry. These are some of the Division's main achievements.

All of this has been accomplished through a consensual relationship. The Division, in carrying out its tasks, has worked with labour and employer groups and, through cooperation, awareness of workplace hazards has been increased and useful programs have been put in place. Occupational health and safety is a field where all stand to gain through collaboration. In fact, further progress in the next decade requires that ways be found to increase the involvement of labour and management as partners in tackling the major concerns which still exist. If the publication of this report achieves nothing more than uniting labour and management in a renewed effort to find practical ways to cope with health and safety hazards in the workplace, it will have served a useful purpose.

Occupational health and safety, as we have observed, is one of the most difficult areas of public administration. It provides a ready platform for critics who do not have to bear the responsibility for developing and implementing practical solutions. Criticism is inevitable; the hazards are real and they are increasing, both in number and in severity. The public has been aroused and is concerned about asbestos, lead, PCB's, isocyanates and many other toxic substances. In these circumstances, critics can occupy the "high ground" in the emotional debate over what constitutes a reasonable and acceptable balance between workplace risk and economic growth. The public administrator is thus placed on the defensive, caught in the middle between opposing forces.

On the labour side, many critics are sincere and committed to working with industry and government to find practical solutions which will protect workers, without jeopardizing industrial competitiveness and employment. They recognize that government cannot provide all the answers and that forming a responsible workplace, supported by a well trained inspectorate, offers the best hope. At the policy level, the leadership has been constructive. However, within the health and safety sector of the labour movement, other voices are heard.

At least some members of this latter group are ideologically opposed to cooperative solutions and believe that the system must be changed. They call for an expanded inspectorate, acting not as monitors, mediators and problem solvers, but as policemen using prosecutions as the major tool. Unfortunately, there is evidence that members of this group have another agenda and are using occupational health and safety to achieve other objectives. This is particularly destructive, because finding acceptable solutions to workplace hazards depends upon cooperation between labour, management and the regulatory authorities. The visibility of this minority group in the labour movement has been enhanced by the change of government. When in opposition, and even now in power, members of the government have, on occasion, sided with those who favour the "big stick" approach to occupational health and safety administration.

The strident criticism by some segments of labour has been matched by an equally unhelpful silence on the part of most employers. The management community has been essentially passive in the public debate, believing that they are in a "no win" situation. Short of achieving a perfect accident and health record, they perceive that they will always be in a defensive position, and therefore vulnerable.

Despite a reluctance to join the public discussion, employers do want to be involved in the development of legislation and regulations. They believe that open consultation on a tripartite or multipartite basis can work, provided that there is a clear political will; they cite the federal initiative to develop the Workplace Hazardous Materials Information System as an example of such cooperation.

The administration of the Division also finds itself in a defensive position. It is the subject of most of the allegations announced in the OPSEU brief, and its members perceive that the focus of those allegations has shifted. Initially, much of the public criticism and comments in the House centered on the quality of inspections and the failure of inspectors to issue orders to correct workplace hazards. OPSEU, which represents the inspectors, has shifted the emphasis to allegations of inadequate training, deficiencies in the legal branch, and a reluctance to prosecute. Given their obligation to represent and protect their members, this shift in emphasis is understandable.

A further complication has to do with resources. The Division has been forced to respond to budget cuts, especially during the period since the serious recession of 1981-82, at the very time when demands for service were increasing and criticism from various quarters was intensified. Nor, in the short run, are these problems likely to disappear; most governments are still preoccupied with fiscal responsibility and restraining the growth of the public sector.

When considering the position of the Division, it is well to keep in mind that the legislation is based on the internal responsibility system and on voluntary compliance with the legislation. Under this concept, which, incidentally, is widely supported by all parties, the prime responsibility for a safe and healthy work environment rests with the worker, the supervisor and the employer, acting in concert.

In the event that problems occur, the presumption appears to be that the fault lies with the Division. At least initially, and before the facts are known, it is assumed that the Division has failed to protect the worker. This "blame it on the government" attitude is commonplace in our contemporary society, and it exposes the Division to substantial negative comment, often unwarranted.

This contextual overview would be incomplete without mention of the press. A vigilant press is vital in a modern democratic society and objective, critical analysis that gives due weight to each side of an issue should be welcomed. This balanced, objective interpretation of occupational health and safety issues by the press in Ontario has been lacking. As a result, press coverage of occupational health and safety in Ontario has made the task of developing cooperative, consensual attitudes much more difficult. It has also substantially raised the level of public awareness of workplace hazards and has rendered even more important the need to consider the findings of the McKenzie-Laskin inquiry within their proper perspective.

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PART ONE:

MANAGEMENT AUDIT OF THE OCCUPATIONAL HEALTH AND SAFETY ACT

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MANAGEMENT AUDIT OF THE OCCUPATIONAL HEALTH AND SAFETY ACT

TABLE OF CONTENTS

		Page No.
I.	INTRODUCTION	1
	A. STUDY METHODOLOGY	3
	B. REPORT STRUCTURE	
II.	THE ROLE OF THE DIVISION	5
	A. THE INTERNAL RESPONSIBILITY SYSTEM	6
	B. THE ROLE OF JOINT HEALTH AND SAFETY COMMITTEES	13
	C. PREVENTION	17
	D. RESEARCH	21
III.	ORGANIZATION	34
	A. THE CURRENT ORGANIZATION STRUCTURE	34
	B. ORGANIZATIONAL FORM, ROLES AND RELATIONSHIPS	36
	C. THE BRANCH STRUCTURE	45
	D. THE FIELD ORGANIZATION	59
	E. THE TOP STRUCTURE	67
IV.	THE INSPECTORATE	72
	A. THE CURRENT RECRUITMENT POLICY SHOULD BE REVISED	73
	B. THE ORGANIZATION OF THE TRAINING FUNCTION SHOULD BE INTEGRATED	77
	C. THE CONTENT AND DELIVERY OF TRAINING PROGRAMS REQUIRE IMPROVEMENT	80
	D. THE DIVISION HAS ATTEMPTED TO IMPROVE ITS TRAINING PROGRAMS	83
	E. A CAREER DEVELOPMENT PROGRAM IS REQUIRED	84
	F. A CERTIFICATION PROGRAM FOR INSPECTORS SHOULD BE INTRODUCED	86
V.	CLIENT PROGRAMS	90
	A. COMPLIANCE PROGRAMS	90
	B. TOXIC SUBSTANCES	117

PART ONE:

MANAGEMENT AUDIT OF THE OCCUPATIONAL HEALTH AND SAFETY ACT

TABLE OF CONTENTS (CONT'D.)

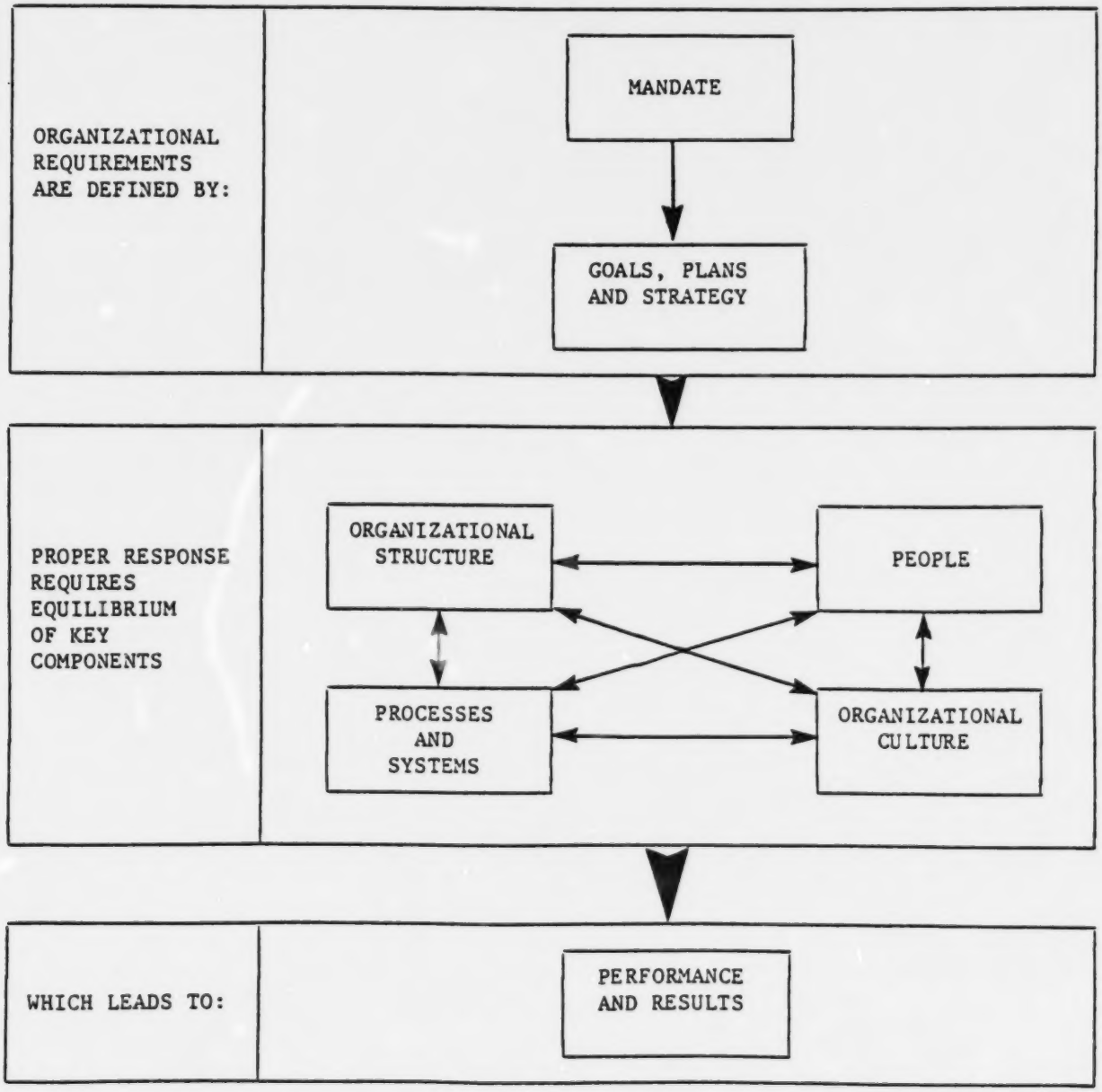
		Page No.
VI.	INTERNAL MANAGEMENT SYSTEMS	146
	A. PLANNING AND BUDGETING	146
	B. CRISIS MANAGEMENT	152
	C. POLICY DEVELOPMENT	155
	D. OPERATIONS MANUALS	158
	E. MANAGEMENT INFORMATION SYSTEMS	159
	F. COMMUNICATIONS	175
	G. LEGISLATION DEVELOPMENT	181
VII.	ORGANIZATION CULTURE	184
	A. THE MINISTER'S OFFICE AND THE STAFF OF THE DIVISION MUST BE MUTUALLY SUPPORTIVE	184
	B. THE DIVISION MUST BE RESPONSIVE TO GOVERNMENT POLICY, EMPLOYER NEEDS AND WORKERS' EXPECTATIONS	187
VIII.	AN APPROACH TO IMPLEMENTATION	191
IX.	APPENDICES	
	A. INTERVIEWS	
	B. FOCUS GROUP MEETINGS	
	C. CASE STUDY: ALGOMA STEEL CORPORATION	
	D. SUMMARY OF RECOMMENDATIONS	

LIST OF EXHIBITS

EXHIBIT 1 - FACTORS AFFECTING ORGANIZATIONAL EFFECTIVENESS
EXHIBIT 2 - MINISTRY OF LABOUR - OCCUPATIONAL HEALTH AND SAFETY DIVISION
EXHIBIT 3 - OHSD STAFFING HISTORY
EXHIBIT 4 - MINISTRY OF LABOUR - OCCUPATIONAL HEALTH AND SAFETY DIVISION
EXHIBIT 5 - OCCUPATIONAL HEALTH AND SAFETY DIVISION - OCCUPATIONAL HEALTH BRANCH ORGANIZATION
EXHIBIT 6 - OCCUPATIONAL HEALTH AND SAFETY DIVISION FIELD ORGANIZATION
EXHIBIT 7 - OCCUPATIONAL HEALTH AND SAFETY DIVISION PROPOSED FUNCTIONAL ORGANIZATION
EXHIBIT 8 - SUMMARY OF INFORMATION SYSTEMS SHORTCOMINGS (FEBRUARY, 1985)
EXHIBIT 9 - PROBLEMS CITED BY MOST RESPONDENTS - PROBLEMS CITED BY INDIVIDUAL UNITS (FEBRUARY, 1985)
EXHIBIT 10 - INDUSTRIAL BRANCH COMPUTER UPDATE PROCEDURE
EXHIBIT 11 - IMPLEMENTATION PLAN

EXHIBIT 1

FACTORS AFFECTING ORGANIZATIONAL EFFECTIVENESS



I. INTRODUCTION

The approach taken to the management audit has been detailed and comprehensive although, due to time constraints, it was not possible to examine every aspect of the Occupational Health and Safety Division's operations, and site visits were made on a selective basis. Nevertheless, the review team is confident that an objective and thorough assessment has been made.

A. STUDY METHODOLOGY

A model, shown in Exhibit 1, opposite, was used to audit the effectiveness of the Occupational Health and Safety Division (the Division). The key premises on which this model is based are:

- to be effective and efficient, the Division must be able to translate its mandate into organizational goals, objectives, strategies and plans, and transform these plans into performance and results, and

- the Division's ability to achieve results requires a balance among the key components of:

  1. Organization structure - the differentiation and integration of roles.

  2. People - the skills, knowledge and experience required by the Division's staff to perform their function, and the personnel systems to effectively manage the Division's human resources.

3. Processes - the formal and informal management mechanisms and techniques for planning, directing, communicating, and controlling, with particular reference to the inspection process and prosecutions.

4. Culture - the shared values and beliefs which bind the organization together, along with the leadership and management style.

These components of the Division cannot be reviewed in isolation since it is the balance among them which promotes or constrains behaviour. The elements should interact and reinforce one another to achieve effectiveness, as expressed by performance and results in terms of enhanced occupational health and safety for Ontario workers.

Seven consultants were involved in the management audit. At the outset two briefing sessions were arranged by the Ministry to provide the consultants with general background information. The consultants also held a similar briefing session with the executive of the Ontario Public Service Employees Union (OPSEU) to obtain clarification and elaboration of the union's concerns. The Occupational Health and Safety Act, regulations, policy statements, procedure manuals, organization charts and job descriptions, and some Division files were examined. Three focus groups were arranged with members of the inspectorate: one comprised a group of inspectors suggested by OPSEU; a second comprised inspectors chosen from a list supplied by the Division; and the third consisted of managers. In all, about 30 individuals participated in the focus groups.

An extensive program of interviews was conducted with labour union leaders, employers, authorities in the field of occupational health and safety, inspectors and other employees of the Division, senior bureaucrats, and politicians with a particular interest in the inquiry. A total of 132 individuals, whose names appear in Appendices A and B, were interviewed, some on several occasions. The views expressed and the insights gained by the study team were particularly helpful and are acknowledged with appreciation.

Brief reviews were made of occupational health and safety programs and organizational arrangements in other jurisdictions, including Quebec, New Brunswick, Alberta, British Columbia, the United States and Sweden. The assistance of the Ministry in making appropriate contacts and in collecting relevant information is acknowledged.

Throughout the study, contact was maintained with senior officers of OPSEU and of the Division. Meetings were held to check facts, confirm perceptions and seek re-direction. All information requested by the study team has been provided without hesitation, and full cooperation has been received from everyone involved. However, the conclusions reached and the resulting recommendations are those of the study team.

B. REPORT STRUCTURE

The elements of the study model in Exhibit 1 are reflected in the structure of this report. Thus, Chapter II addresses the mandate or role of the Division and the manner in which that role is expressed in broad strategies; Chapter III describes and analyzes the organization of the Division; Chapter IV focuses on the Division's people, in this case the inspectorate, which has been the subject of much criticism and which comprises the largest group of employees. Chapters V and VI deal with management processes, with the former

addressing client programs, and the latter internal management systems; Chapter VII describes the culture or value systems of the Division.

An approach to implementing the study's recommendations is described in Chapter VIII, and a summary of recommendations is provided in Chapter IX, Appendix D.

II. THE ROLE OF THE DIVISION

On October 1, 1979, the Occupational Health and Safety Act (the Act) was proclaimed in Ontario. It is a technical statute directed to the administration and enforcement of worker health and safety. It assigns this role to the Occupational Health and Safety Division (the Division) of the Ministry of Labour. In general, the Division's activities can be summarized as follows:

- To encourage compliance with the Act and its regulations through inspections, the issuance of orders, orders forthwith, stop-work orders, and the pursuit of prosecutions. These activities comprise the compliance role of the Division, sometimes referred to as the "stick".

- To provide incentives, through processes of policy and administrative decisions, to encourage workers, supervisors and employers to establish and maintain a safe and healthy working environment.

- To persuade workers, supervisors and employers to establish and maintain a safe and healthy working environment through prevention programs, consultation, persuasion, public education, and support to all parties involved. These activities comprise the consultative role of the Division, sometimes referred to as the "carrot".

The balance that is maintained between "carrot" and "stick" is a critical component in the management philosophy of the Division, and significantly influences public perceptions of its effectiveness, as well as the attitudes of those directly involved in the workplace. This balance is determined by government policy, as expressed by the Minister, and it can be varied from time to time as circumstances dictate. It is critically important that Division employees understand clearly what the balance between "carrot" and "stick" is intended to be at any time, and what

resources are to be assigned to its multi-dimensional components. This study has revealed that there is currently confusion, particularly among inspectors, concerning the desired balance, and hence, inconsistencies in the application of Division policy.

A. THE INTERNAL RESPONSIBILITY SYSTEM

The Act is based on the concept of self-compliance and recognition of the principle that the prime focus of responsibility to control occupational risks rests with the employer, the supervisor in the workplace, and the worker. The implication is that self-compliance is likely to be the most effective approach in the long term. It requires the participation of employer and employee in developing systems and procedures suited to the particular circumstances of each workplace, subject to the provisions of the Act. For both parties, such participation and collaboration in arriving at solutions to local needs is likely to result in a greater understanding of the nature of risks affecting the worker, enhanced recognition and acceptance of each party's responsibility for worker safety, and improved communications between the two.

Self-compliance and the assumption of responsibility in the workplace by those most directly affected is in keeping with our social and political values, and is likely to be more productive than regulation imposed by a third party. This philosophy of self-compliance has become known as the internal responsibility system (IRS). Although not specifically mentioned in the Act, it comprises the foundation upon which the statute and regulations have been constructed.

The Act reflects the IRS by delineating the powers and responsibilities of the parties in the workplace. For example, it specifies the duties of employers, the responsibilities of workers

to protect themselves, and the mutual responsibilities of employers and workers on joint health and safety committees, as legally required. The Ministry has built its compliance programs around the IRS. Thus, routine inspections, investigations and a variety of incentives aim to reinforce the effectiveness of the IRS.

1. There Is Substantial Support for the IRS

There is substantial agreement among employers, workers, some union officials, Ministry staff and politicians that the philosophy embodied in the IRS is the only practical approach to the control of workplace hazards. A minority of union officials believes that the IRS allows the Division to avoid its enforcement responsibility by seeking to have the two parties, management and labour, work out their difficulties. However, the alternative, whereby Division officials police each workplace, is impractical and would require a substantial increase in the inspectorate, which is not economically feasible.

There is widespread debate and misunderstanding of what is intended by the IRS and of how it should be interpreted in day-to-day activities. As a result, some managers and inspectors in the Division have a cynical view that the absence of reference to the IRS in the Act allows the Division to avoid its responsibility for enforcement.

2. The Success of the IRS Depends upon Top Management Commitment and Other Factors

For the system to be effective, the complete line of command, from the Board of Directors through the chief executive, managers, supervisors and workers, must be accountable for health and safety in the workplace. Our review has confirmed this conclusion. Support from the top is vital; the chief

executive who sets health and safety as an equal and integral part of the management process, along with productivity and cost control, will achieve direct benefits in the form of a better health and safety record, and indirect benefits through improved morale, employee pride in their company and public recognition.

Effectiveness of the IRS also depends upon:

- a sustained presence in the workplace by Division personnel through regular inspections,
- commitment by senior management to provide for meaningful worker participation in health and safety matters,
- access by workers to relevant information on health and safety hazards,
- education and training on health and safety for workers and management personnel, and
- consistent enforcement of the Act and meaningful penalties for those who violate the rules.

These requirements are acknowledged and supported by the parties having a legitimate interest and role in workplace health and safety.

3. <u>There Is Some Opposition to the IRS</u>

The opposition to the IRS by certain union officials is based upon their belief that:

- there is an imbalance of power in favour of employers over employees,

- health and safety issues are an integral part of the collective bargaining process and should not be dealt with separately by joint health and safety committees, and

- joint health and safety committees, as advisory bodies, are not a countervailing power to that of management, and cannot force employers to comply with their conclusions.

Opponents of the IRS believe that, while the joint health and safety committees give workers a role in health and safety, the only leverage they have under the Act is through the right to "refuse to work".

The implicit presumption underlying these objections to the IRS is that only by giving more power to workers and their unions, and by approaching health and safety issues in the adversarial environment of collective bargaining, can progress be achieved. This presumption, in turn, assumes that employers are malevolent or insensitive to the welfare of their employees. In the view of this study, these assumptions are inaccurate. There are faults in the current system, such as inadequate penalties for employers who ignore the regulations, which will be addressed in this report, but the IRS offers the best assurance of long-term improvement in workplace conditions. The Act is technically sound and the principles underlying the IRS are appropriate. It is, therefore, recommended that:

R.II.A. - 1: THE MINISTER OF LABOUR SHOULD CONFIRM THE GOVERNMENT'S COMMITMENT TO THE PHILOSOPHY OF SELF-COMPLIANCE AND THE PRINCIPLES UNDERLYING THE INTERNAL RESPONSIBILITY SYSTEM.

4. The Philosophy of the IRS Should Be Communicated More Clearly

As mentioned, the Act defines the roles and responsibilities of the employer, supervisor and worker, but it does not contain an explicit description of the philosophy of self-compliance through the IRS. The reader of the Act is required to infer the premises on which the Act is based from analysis of its detailed provisions. The inclusion of a statement of the philosophy underlying the IRS would help those concerned with occupational health and safety to better understand the intent of the Act and to correctly interpret its provisions. The structure and accountability of each party for health and safety in the workplace would also be strengthened. Accordingly, it is recommended that:

R.II.A. - 2: THE ACT SHOULD BE AMENDED TO INCLUDE, AS A PREAMBLE, AN APPROPRIATE DESCRIPTION OF THE PHILOSOPHY OF SELF-COMPLIANCE AND OF THE PURPOSE AND STRUCTURE OF THE INTERNAL RESPONSIBILITY SYSTEM.

5. Policies Are Needed to Guide Inspectors in the Interpretation of the IRS

At the working level in the field, the major concern of managers and inspectors is how to interpret the IRS and what emphasis to place, in each particular situation, on persuasion (the carrot) as opposed to enforcement (the stick). If total or excessive reliance is placed on the carrot, and if the parties in the workplace fail to respond to these inducements, the inspector and the Division may be accused of being too soft and of failing to enforce the Act. On the other hand, if the stick is employed too often or too hastily, the inspector and the Division may be perceived to have assumed direct control over workplace hazards, contrary to the philosophy of the IRS. Total reliance on one or the other is clearly wrong; the challenge is to strike the right balance.

The initial response by the inspector to most workplace hazards, or failures to comply with the regulations, should be to refer the matter to the appropriate joint health and safety committee, thus lending support to the IRS. However, if appropriate action does not result, the inspector must be prepared to wield the stick firmly and without hesitation.

In times of stress, when the Division is under attack as it is at present, the temptation will be to reach for the stick. Its use through such means as closing down work sites, prosecutions, and fines attracts media attention and conveys the impression that the Division is getting tough with offenders. This may be entirely appropriate but, carried to excess or used unfairly, it can also be counterproductive.

The difficulty faced by inspectors in striking the correct balance is compounded by the need to respond to policy shifts decreed by the Minister, as recently occurred with the introduction of the new orders policy. It is the prerogative and the responsibility of the Minister to give such policy direction; it is also incumbent on the Division to interpret policy in a way which is clearly understood by the inspectors.

To assist managers and inspectors to correctly interpret the intent of the IRS and to respond to Ministerial direction, it is recommended that:

R.II.A. - 3: THE DIVISION SHOULD PREPARE A POLICY STATEMENT WHICH WILL ASSIST MANAGERS AND INSPECTORS TO CORRECTLY INTERPRET THE ACT AND THE IRS, AND TO RESPOND TO MINISTERIAL DIRECTION. THE POLICY SHOULD SUPPORT THE PRINCIPLES OF THE IRS AND THE USE OF JOINT HEALTH AND SAFETY COMMITTEES TO ADDRESS WORKPLACE HAZARDS. EXECUTION OF THE DIVISION'S ROLE SHOULD BE BASED ON SELF-COMPLIANCE, WITH EMPHASIS BEING PLACED ON

PROMOTION, PREVENTION AND PUBLIC EDUCATION. THE PRIMARY THRUST OF THE DIVISION SHOULD BE ON CONSULTATIVE ACTIVITIES. ENFORCEMENT POWERS SHOULD BE USED ONLY WHEN THERE HAS BEEN AN INADEQUATE RESPONSE BY THE PARTIES INVOLVED (WORKERS OR EMPLOYERS).

R.II.A. - 4: THE DIVISION SHOULD ALSO DEVELOP AND IMPLEMENT A COMMUNICATIONS PROGRAM AIMED AT INFORMING ALL PARTIES INVOLVED IN WORKPLACE HEALTH AND SAFETY OF ITS ROLE, ACTIVITIES, AND ORGANIZATIONAL RESPONSIBILITIES.

6. There Are Limitations to the IRS

There are situations where the IRS cannot be relied upon to produce the desired results, for example:

- On construction projects where the work force is constantly changing and the length of time that a particular trade or group of workers is at the job site is limited, sometimes only a few days or weeks.

- In small business establishments that do not have the resources or the skills to implement effective health and safety programs, based upon the IRS. (Some of these establisnments use toxic substances.)

In such circumstances, the role of the inspector must be adjusted, usually by placing more emphasis on direct involvement in regulating work practices and controlling exposure to hazards. It is, therefore, recommended that:

R.II.A. - 5: THE POLICY STATEMENT RECOMMENDED IN R.II.A. - 3 SHOULD RECOGNIZE THE SPECIAL NEEDS OF THOSE WORKPLACES WHICH, DUE TO THEIR SMALL SIZE OR THE TRANSITORY NATURE OF THE WORK FORCE, CANNOT RELY ON THE IRS TO SUSTAIN A SAFE AND HEALTHY ENVIRONMENT.

B. THE ROLE OF JOINT HEALTH AND SAFETY COMMITTEES

The establishment of joint health and safety committees (JH&S committees) under the Act and the mandate given to them were major innovations to promote occupational health and safety. The committees are intended as mechanisms to facilitate consultation, the flow of information, and the exchange of views between workers and supervisors. They are designed to reinforce the internal responsibility system and to enhance health and safety protection in the workplace.

The Act sets out the duties of the employer in explicit terms while the worker is required to take responsibility for his own health and safety. Their joint responsibility is described through the composition, role, activities, and rights of the mandated JH&S committees. However, the recommendations of these committees are advisory rather than binding. Accordingly, the long-run effectiveness of the IRS hinges upon the quality of management's response and the effectiveness of the Ministry's staff in its defined role.

Since 1979, considerable progress has been made in the establishment of these committees and in increasing their effectiveness. A survey of JH&S committees was recently conducted by the Advisory Council on Occupational Health and Occupational Safety. Among the significant findings from this survey were that:

- compliance with the legal requirements of the Act is inadequate;

- the training and education of JH&S committee members needs to be expanded; and

- communications among the JH&S committees and the other parties responsible for occupational health and safety need to be improved.

Legal compliance is fundamental to maintaining health and safety in the workplace. The survey identified that 93% of workplaces required by legislation to have JH&S committees have complied. The presence of Division inspectors appears to be an important factor in establishing these committees. The 7% of workplaces which have not complied are generally small, non-unionized establishments. Of particular concern are establishments with fewer than 20 employees where designated substances are used; only 66% of establishments in this category have established JH&S committees. Lack of knowledge of the legislation by workers appears to be the main reason for not establishing them.

The establishment of JH&S committees is fundamental to compliance with the Act. The Division has relied on employers to form these committees. While this approach is basically sound, it should be supplemented by a program of public education with respect to the Act and its key requirements, including the formation of JH&S committees. Accordingly, it is recommended that:

R.II.B. - 1: THE DIVISION SHOULD UNDERTAKE, AS A PRIORITY, A PROGRAM OF PUBLIC EDUCATION TO FOSTER UNDERSTANDING OF THE ACT, THE ROLE OF JH&S COMMITTEES, AND THE RESPONSIBILITIES OF COMMITTEE MEMBERS.

In the above mentioned survey, training and education were revealed as priorities for improving the functioning of JH&S committees. About 50% of worker committee members and 20% of management members reported receiving no health and safety training. In addition, about 50% of committee members rate the understanding of occupational health and safety issues by the work force as poor.

Recommendation R.II.B. - 1, above, will enhance worker knowledge and understanding, and contribute to more effective JH&S committees. In addition, committee members require appropriate education and training about the provisions of the Act and about the relevant health and safety matters affecting their workplaces. Accordingly, it is recommended that:

R.II.B. - 2: INSPECTIONS OF WORKPLACES SHOULD INCLUDE AN EVALUATION OF THE FORM AND CONTENT OF TRAINING PROVIDED TO JH&S COMMITTEES.

The survey revealed that the interaction of the Division's inspectors with members of JH&S committees was a significant influence on the effectiveness of the IRS and the committees. It also revealed that the inspectors' consultative role had a more positive impact on committee activity than their enforcement role. Consultation serves to establish good patterns of behaviour among workers, employers and union officials. It does not undermine or negate the need for enforcement when responses to health and safety issues have been inadequate by workers or employers.

The communication and resolution of issues raised by JH&S committees would be facilitated if employers were required to respond to their recommendations. Accordingly, this study concurs with the Ministry's proposal that:

R.II.B. - 3: EMPLOYERS SHOULD BE REQUIRED TO CONSIDER ALL RECOMMENDATIONS OF JH&S COMMITTEES. THE EMPLOYERS' RESPONSES TO COMMITTEE RECOMMENDATIONS SHOULD BE SUBMITTED IN WRITING WHEN A RECOMMENDATION IS REJECTED, WITH THE SPECIFIC REASONS FOR REJECTION. INSPECTORS SHOULD BE REQUIRED, AS PART OF REGULAR INSPECTION VISITS, TO REVIEW ALL RECOMMENDATIONS AND RESPONSES TO DETERMINE IF ADEQUATE SUPPORT AND RECOGNITION OF JH&S COMMITTEES ARE BEING PROVIDED BY THE EMPLOYERS.

The commitment and support of senior union officials and management are necessary to keep a balanced view of health and safety issues. This can be achieved if sound relationships are maintained, at appropriate levels, between workers and employers. Accordingly, it is recommended that:

R.II.B. - 4: PROVISION SHOULD BE MADE IN THE REGULATIONS FOR DISCUSSION OF HEALTH AND SAFETY ISSUES AT SHOP FLOOR, SUPERVISORY AND SENIOR MANAGEMENT LEVELS WITHIN EMPLOYER ORGANIZATIONS.

It is reasonable to expect that JH&S committees should be established in all eligible workplaces. The onus of responsibility for their formation rests with employers. They should be subject to a penalty for non-compliance. Accordingly, it is recommended that:

R.II.B. - 5: EMPLOYERS SHOULD BE SUBJECT TO A MINIMUM FINE OF $5,000 FOR FAILURE TO ESTABLISH JOINT HEALTH AND SAFETY COMMITTEES.

Health and safety have become bargaining issues in some establishments and the JH&S committees have become the forum for debate and confrontation. The individuals who are selected to serve on JH&S committees will often determine the extent of confrontation. Thus, if those who are involved in collective bargaining are also selected to serve on JH&S committees, they will tend to bring to the committees the adversarial stance inherent in the bargaining process. This study considered a recommendation to bar union officials and management personnel who are directly involved in collective bargaining from membership on JH&S committees. However, this would have prevented union spokespersons from performing in a legitimate role on behalf of their members. Nevertheless, the effectiveness of JH&S committees will be enhanced if the management representatives are not directly involved in industrial relations or union contract negotiations. Accordingly, it is recommended that:

R.II.B. - 6: MANAGEMENT REPRESENTATIVES ON JH&S COMMITTEES SHOULD BE CHOSEN FROM PERSONS DIRECTLY INVOLVED IN PRODUCTION AND MANUFACTURING OPERATIONS, BUT NOT IN COLLECTIVE BARGAINING.

Recommendations respecting the Division's role in dealing with disputes arising through JH&S committees are described in a later chapter.

Appendix C contains a case study of a company where the internal responsibility system and the joint health and safety committee structure function effectively. Its health and safety program is a model for others to follow.

C. PREVENTION

The main objective of the workplace is to be productive, but not at the expense of injury to workers or their exposure to hazards that may affect their health. The majority of employers and workers know this to be so and view occupational health and safety as an integral component of the operations of the workplace. They readily accept their responsibilities and, therefore, programs aimed at increasing awareness of the risks of industrial diseases and accidents, and at fostering safe working conditions, are likely to be well received and useful. Moreover, such prevention activities are more humane and cost-effective than programs which provide compensation for injured workers.

It is a legitimate and important role of the Division to promote safety and to prevent worker exposure to health hazards. A focus on prevention is entirely compatible with the philosophy of self-compliance as it provides information, advice and support to workers and employers in their quest for safe and healthy workplaces. In most circumstances, enforcement without a measure of consultation and support aimed at prevention is less effective than a broader approach which includes both components.

Jurisdictions responsible for occupational health and safety differ primarily in the manner in which the enforcement and the consultative and prevention roles are balanced.

In Quebec, the Occupational Health and Safety Commission, in its prevention role, has identified priority sectors where occupational health and safety hazards require attention. Employers determined by the Commission to be operating high risk establishments are required to prepare prevention programs by a specific date; these programs must then be approved by the Commission. The Commission provides consulting services to assist in establishing these programs and acts as an arbitrator if a dispute arises between the workplace parties.

In the United States, many state occupational health and safety regulatory agencies have a separate service which provides free on-site consultation to employers. This service is separate from, and is not involved in, enforcement activities.

The on-site consultation includes:

- providing information, advice and recommendations on specific safety and health problems in the workplace,

- helping employers institute an effective accident and illness prevention program, and

- providing training in safety and health practices, and in the recognition and correction of hazards through on-site surveys.

In Ontario, the prevention role is seen to be a natural complement of the enforcement role, but prevention is not specifically mandated in the Act. Organizationally, this is reflected in the fact that

there is not a separate unit, as in Quebec and the United States, charged with the responsibility for accident prevention and occupational health promotion. Rather, it is the responsibility of everyone in the Division from the inspector to the line branch director to the Executive Director to complement the enforcement role with prevention activities. Although this responsibility is understood by all, the manner in which it is conducted and delivered to client groups is not as well planned and integrated as it could be. As a result, no segment of the Division has direct accountability for prevention.

The Division should assume a more proactive, direct responsibility for safety and health hazard prevention and should formalize and strengthen this part of its mandate. To demonstrate its commitment to long-term prevention of occupational accidents and illness, the Division's role in this regard should be clearly stated in a preamble to the Act.

A Prevention and Promotion Branch should also be established within the Division to formulate prevention policies and programs to support the inspectorate, and for industry. Specifically, this Branch should develop occupational health and safety models, tailored to the needs and inherent risks of Ontario establishments. This would recognize the different needs and requirements of small and large establishments, and the risk factors inherent in various industry sectors. As part of this function, educational material should be developed for the inspector to distribute during the conduct of inspections, and inspectors should be trained to audit prevention programs during workplace visits. The Branch should also provide a consultative service to help employers institute effective accident and illness prevention programs.

The Promotion and Prevention Branch should also provide mediation services to support the internal responsibility system. These services are currently provided by the Industrial Relations Division of the Ministry of Labour. These mediation services should be reintegrated into this new Branch. Upon referrals by the inspectorate, the mediators should assist companies to establish joint health and safety committees, and to apply the principles of internal responsibility.

Finally, it is recognized that the safety associations, the Ontario Federation of Labour, and labour unions have a greater capacity than the Division to reach their members to promote prevention, and to provide the related education and training services. The Division should not preempt these groups in these activities. However, the Division should communicate more closely with them and develop joint health and safety program models. This is necessary to ensure that workers and employers receive consistent and standardized information.

The Division should place a major emphasis on the assistance it provides to employers wishing to establish prevention programs. To strengthen this role and to facilitate delivery of promotion and prevention services, it is recommended that:

R.II.C. - 1: THE ACT SHOULD BE AMENDED TO INCLUDE, IN THE PREAMBLE, AN APPROPRIATE DESCRIPTION OF THE DIVISION'S PREVENTION ROLE.

R.II.C. - 2: A PREVENTION AND PROMOTION BRANCH SHOULD BE ESTABLISHED WITH A MANDATE TO FORMULATE PREVENTIVE POLICIES AND PROGRAMS, INCLUDING MEDIATION SERVICES.

D. RESEARCH

An examination of the role of the Division would not be complete without addressing the question of whether the Division should be involved in research and, if so, what type of research and with what degree of intensity. Traditionally, the Division has had a research role, supported by specific internal funding, but it has been eroded in recent years due to fiscal constraints and the pressures of other work. It is appropriate to begin this analysis by considering the type of research that has been conducted and the importance of research to the work of the Division, and then to decide whether the restoration of a larger research budget would represent a wise allocation of scarce resource.

1. Types of Research

Five categories of research can be identified in the occupational health and safety field, ranging from pure research to applied research, and then to "library" research.

(i) Fundamental research: breaking new ground and the creation of new knowledge.

(ii) Applied research: developing and improving existing methods and techniques for specific purposes.

(iii) Collecting information where there is a need to undertake assessments and measurements to define or resolve a suspected problem.

(iv) Critical evaluation of relevant available scientific information.

(v) Library research: collecting information which is available but has not been previously assembled or synthesized.

Historically, the Division has been involved in all five categories, but with less emphasis on fundamental research. Basic or fundamental research falls primarily within the ambit of universities and their affiliated research institutes. The Division should maintain a lively interest in basic research. It is in this area that new ideas and insights will be developed which, when applied in the work environment, will lead to greater understanding of the effects of industrial processes and to new ways to protect the health and safety of workers. This interest can be maintained in a variety of ways: by seconding Division employees to universities or research centres to work for defined periods on research projects; by participating in peer review panels; by undertaking segments of research projects in the Division's laboratories or in the field, particularly those which interface with applied research; by participating in clinical trials; by contributing to the funding of research projects; and by cooperating with researchers in innumerable other ways - making available facilities and equipment, sharing resources, knowledge, skills, etc.

All of these activities are appropriate for the Division and all should be encouraged. There is evidence that the Division has played such a role.

- In 1983, the first part of a major epidemiological study of mortality rates among Ontario miners was completed. It established, among other things, that gold miners were particularly susceptible to death from lung diseases. The causes of this increased risk were investigated in the

second part of this study, completed in 1986. This project, completed at a total cost of about one million dollars, is regarded as a definitive research project by world standards. It was managed by the Special Studies and Services Branch.

- M.M. Finkelstein, Ph.D., M.D. and his colleagues in the Special Studies and Services Branch have undertaken numerous studies on asbestos. Another epidemiological research project on "Mortality Among Workers Receiving Compensation Awards for Silicosis in Ontario" culminated in a report published in June, 1986.

- In 1980, a formal agreement was signed between the Ministry and the University of Toronto to establish a research laboratory in the Banting Building. The joint appointment of a physician with the Pathology Department at the University was arranged, but the project collapsed when the physician resigned and the agreement was terminated.

- The Assistant Deputy Minister helped to establish the steering committee for the diesel exhaust research project and a representative of the Mining Branch serves as a coordinator. Part of the work has been contracted to the Ontario Research Foundation (ORF) by the sponsors.

- The Ministry is one of several parties to an international project to re-evaluate the epidemiology of nickel, and to examine the nickel species associated with adverse health effects. The project is coordinated by the U.S. Environmental Protection Agency (EPA), which has provided the major funding. NiPERA, Health and Welfare Canada, Canmet, the European Economic Community (EEC) and the

Ministry are participants. It was originated by three enthusiastic individuals from EPA, Inco and the Ministry, with the Ministry's representative playing a major role in arranging the Canadian funding and the participation of the EEC. The calibre of the sponsors made it possible to attract a world class epidemiologist to lead the scientific work. It is due to be completed in 1987 at a cost just over one million dollars U.S., excluding agency staff costs.

This project is only one of the many similar research initiatives in which the Division has played a prominant role. Representatives of the Division also serve on a wide range of health and safety-related committees.

Notwithstanding these worthwhile initiatives which enhance the nature and credibility of the Division, the role of the Division in fundamental research is limited, and will probably remain so. A continuing interest, along the lines that have been suggested and are being pursued, is appropriate, but basic research activities belong in academic institutions, government research establishments such as the ORF and the National Research Council, and in private sector corporations.

Applied research is another matter and it is in this area that the Division has been most active, and should continue to focus its efforts.

a. Transfer Payments (Formerly Lottery Awards)

Funds are used to provide bursaries and to support applied research. Applications for funding must be relevant to occupational health and safety, with the major emphasis on

health. Applications are referred to the Lottery Awards Committee, which is tripartite and external, the Ministry providing the secretariat function for peer reviews. The Assistant Deputy Minister administers the program and makes the final decision on funding, based on advice received from the Committee with respect to priorities, available funds, and on her knowledge of the Division's requirements.

Most projects originate outside the Division, but some are initiated by Ministry staff, two examples being the Muir Silicosis Study which is scheduled for completion early in 1987 at a total cost of approximately one million dollars, shared with two other sponsors, and an application for a study of the neurological effects of aluminum prophylaxis treatment. Lottery funds also supported early work on the diesel exhaust project.

One of the advantages of lottery funding is that projects are subject to peer review before funding is approved, thus ensuring relevance and quality; however, they do not have to be tendered. This permits the sponsors to select the individual to do the research by direct contact, and thus to obtain the most qualified person. Where Ministry resources are used to fund solicited research, government policy requires that projects be put out for tender.

In addition to the funds which were received from lottery sources until April 1, 1986, the Ministry received transfer payments which were distributed in the form of grants to institutions to support training courses in occupational health and safety. As of April, 1986, the lottery funds were no longer specifically identified but were included in the Ministry's overall transfer payment allocation. Total receipts have been reduced from $5 - 6

million in 1977 to the current level of about $2.7 million. Of this sum, only the $1.5 million of former lottery funds is available for research, which is insufficient to fund all the worthy projects which are proposed.

2. The Support Branches

a. The Special Studies and Services Branch

The Special Studies and Services Branch (SSSB) occupies a major role in the Division's research activities. Of its total budget of $3.7 million, about 40%, or $1.5 million, could be defined as supporting research activities under a loose definition, i.e., categories (i) through (v) on pages 21 and 22. Under the narrower definition of research used by Statistics Canada for its national sciences survey the ratio would be about 10%, or $370,000.

The SSSB provides a consulting service to the other branches and to other Ministries, notably Health and Environment. In fact, the Director has estimated that 40% of the work of the SSSB is on behalf of clients outside the Division. The SSSB comprises a group of specialists, including ergonomists, engineers, psychologists, physicians, scientists and physiologists. There is a major element of prevention in the Branch's programs, particularly those related to risk assessments. The services provided have been well received and the Branch has been complimented by the Ontario Federation of Labour, and during individual submissions made to the Martel enquiry.

The SSSB undertakes epidemiological research to determine the extent and causes of occupational diseases. In 1986,

eight studies have been completed, one of which was the above mentioned Ontario miners study. The Branch also performs risk analyses and recommends exposure values for inclusion in designated substance regulations. A total of ten health effects documents and 19 reports on the potential health effects of hazardous contaminants have been published to date in 1986.

The SSSB also undertakes safety studies, acting as consultants to the line branches by investigating complaints arising from production methods, equipment and environmental factors. Research into factors such as the lifting and bending required of workers is particularly important since approximately 27% of all WCB claims for injuries resulting in lost time relate to this activity.

The staff of the SSSB contribute extensively to scientific publications, with 12 papers counted to date in 1986 alone and 54 in the decade, in addition to the publication of epidemiological studies, health effects documents, risk assessments, reports on hazardous contaminants, and papers on improved or new methodologies for scientific analyses. Many of the studies are recognized internationally, as are the professional and technical specialists employed by the Branch.

The Branch has seen a reduction in its research capabilities as a result of constraints, which have coincided with an increased demand for service. For example, the number of requests for ergonomic work site assessments is doubling yearly (22 in 1983/1984; 33 in 1984/1985; 67 in 1984/1986; 105 anticipated in 1986/1987

and 150 in 1987/1988). Staffing has remained static since 1983/1984, to the detriment of research; no safety-related initiatives have been undertaken in 1985/1986, and none can be planned for 1987/1988 unless additional resources are provided. A similar situation exists with respect to health studies. Budgetary constraints have also meant that aging equipment in the laboratory and for field work cannot be replaced.

b. **Occupational Health Branch (OHB)**

The OHB also has a significant role in applied research. As with the SSSB, it too provides or collects data which are used in policy decisions relating to the need and method of control of this study, the OHB compiled an impressive list of 18 research projects by the Branch, 6 projects contracted to outside agencies, 33 publications and presentations by the OHB laboratory, and 66 laboratory method developments, all undertaken in the 1980's. These cover a wide range of activity, such as a study of exposure to anaesthetic gases in hospital operating rooms, possible lung damage to firefighters at the Mississauga train derailment, effects of hand-arm vibrations on foundry workers and hard rock miners, and dermatitis in the printing industry, etc.

All OHB research is work-related and falls within categories (ii) through (v) described on pages 21 and 22. Projects are initiated mainly within the Branch and are coordinated by the Branch Director and his service chiefs. Liaison is maintained with the Special Studies and Services Branch which undertakes, as part of its own

activities, the epidemiological component of some projects.

The OHB budget for external research costs (mainly salaries) used to be $175,000 a year but, due to the fiscal squeeze, these funds have been diverted to pay travel and administrative expenses not adequately covered by the budget. The research budget has now been eliminated.

Similarly, the laboratory budget has a $500,000 item to cover equipment and transportation. These funds are also now used for normal operating expenses; as a result, lab equipment is not being replaced and no research on new instrumentation can be undertaken.

Applied research in the OHB is also hampered by lack of funds. A machine to assess air sampling methods was purchased at a cost of $250,000, but the funds to run it are not available. New sampling techniques are constantly being developed and the Branch is expected to advise on their suitability and to stay abreast of current technology. Although difficulties are being experienced, the laboratory does provide a useful voluntary service, enabling other laboratories to test the proficiency of their analyses for designated substances.

c. **The Program Development Unit**

The Program Development Unit commissions studies on worker exposure to toxic substances being considered for designation, the work often being done by outside

consultants. Two recent examples deal with the control of welding fumes and the control of wood dust. There are circumstances in which the Unit will collect the necessary background information, with the assistance of labour and management. Two recent cases are the ethylene oxide survey of hospital workers and the benzidine and its congener dyes study. The Unit examines the nature of the issue to be investigated to decide whether it is more efficient and effective to contract out the work, or conduct it internally. The resulting reports provide the information for the Strategic Policy Unit to decide whether development of a regulation is appropriate and, if so, its nature and content.

Constraints have cut into the available budget and any increase in the demand for studies will be difficult to meet.

3. The Line Branches

Of the three line branches, only the Mining Branch has a significant applied research program. It is involved in technology development, such as a method to test the capacity of screens bolted to the mine roof to hold "loose" rock. They have developed a procedure to pull-test rock bolts, and have designed a standard method of mine lighting. Equipment evaluations are undertaken in cooperation with the Mines Accident Prevention Association of Ontario, and a miner's health and safety centre, to be located at the planned mining and minerals complex at Laurentian University, is being funded by the Branch.

All applied research is in support of Branch activities and is usually initiated in response to a particular incident

involving health and/or safety. A budget for the required equipment is available through the Chief Engineer's office and the time of branch personnel devoted to research projects is covered by normal salary expenditures.

4. Research Activities Should be Better Coordinated

As indicated in the previous sub-sections, the SSSB has a major role in research, and important work is performed in the OHB, the Program Development Unit and the line branches. With the adoption of the organization structure proposed in Chapter III, nearly all research will be concentrated in a new Policy and Regulations Branch and this Branch will coordinate research performed elsewhere in the Division. The Policy and Regulations Branch should be assigned responsibility for preparing a consolidated plan and budget for all research, for monitoring research, for developing research policies and for advising the Assistant Deputy Minister with respect to research priorities, and the appropriate allocation of resources.

5. The Importance of Research

All forms of research are useful to the Division and should be supported, but for different reasons:

- Fundamental research enhances the image of the Division by keeping it in the forefront of the field of occupational health and safety and gives it credibility and recognition. High quality research helps to attract first class scientists to the Division and to retain their interest.

- Applied research is essential to understand workplace hazards.

- Collection of information is necessary to determine whether control procedures are needed; to design controls and set exposure limits; and to evaluate the results.

- Involvement in all forms of research stimulates employees, keeps them up-to-date and, thus, helps them to deal professionally, on an equal footing, with their counterparts in industry. Division employees need credibility in their field if they are to talk knowledgeably to employers, workers and their representatives about safe and healthful work practices, and are to develop regulations or recommend amendments to regulations in complex technical areas.

5. The Research Role of the Division

Fundamental research should not receive major emphasis and the Division should continue at about the same level of involvement as in the past. Most projects should be conducted outside the Ministry in universities and research centres. The Division should monitor these and participate, where appropriate, as dictated by the nature and relevance of the project, and financial sponsorship.

Applied research activities and the collection and evaluation of information required for health effects assessments and for developing control strategies (categories ii to v on pages 21 and 22) should receive the major emphasis. A research budget should be established with an appropriate allocation to the line branches and support branches. Some projects should be contracted out with provision for the active participation of Division employees; some should be done in-house to provide maximum exposure to employees and opportunities for training and professional self-renewal.

The total research budget need not be large. The amount spent should be accounted for as a separate budget item and should be determined following an analysis of spending in other jurisdictions, and of needs.

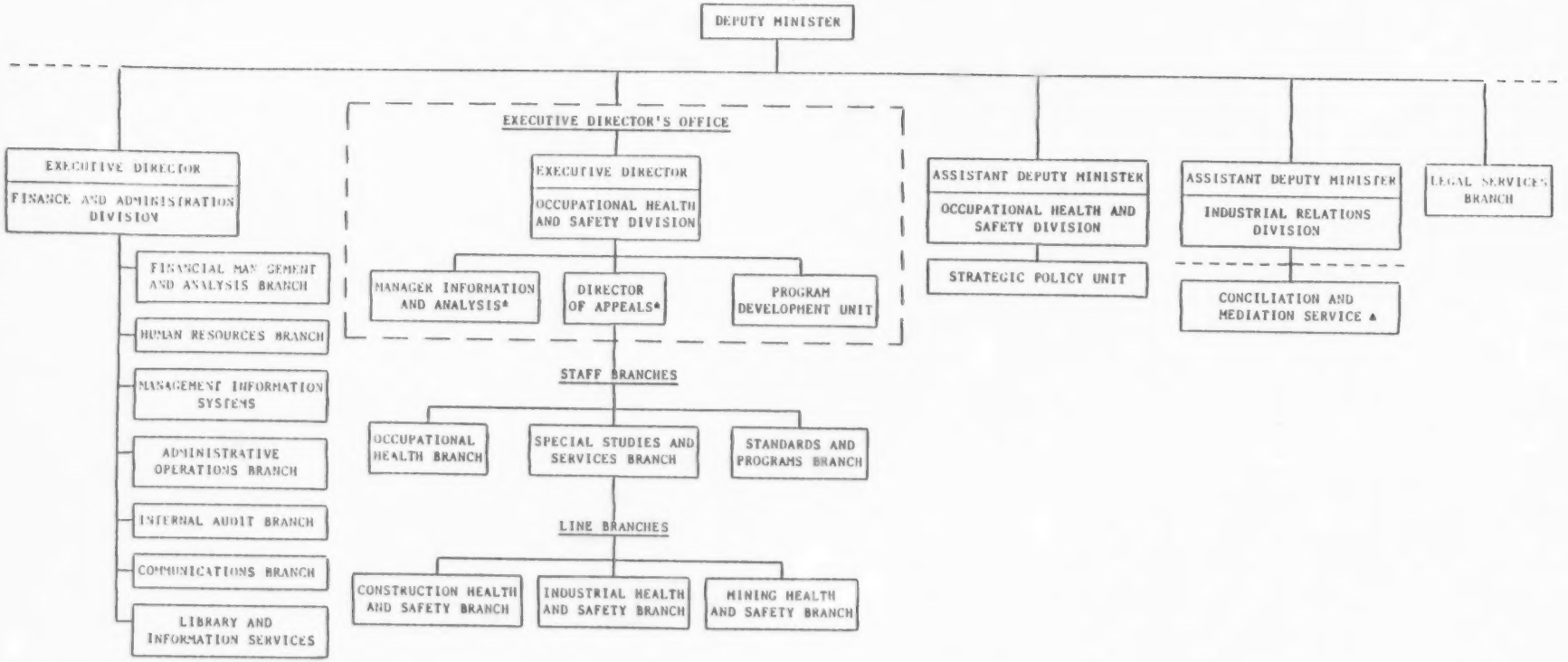
In support of a definitive research role for the Division, it is recommended that:

R.II.D. - 1: THE DIVISION SHOULD FORMALLY RECOGNIZE ITS ROLE IN RESEARCH, PARTICULARLY APPLIED RESEARCH. A RESEARCH PLAN AND POLICIES SHOULD BE ESTABLISHED, AND AN ADEQUATE BUDGET SHOULD BE PROVIDED AND PROTECTED. RESPONSIBILITY FOR COORDINATING ALL RESEARCH ACTIVITIES SHOULD BE ASSIGNED TO THE POLICY AND REGULATIONS BRANCH, UNDER THE CONTROL OF A TECHNICALLY QUALIFIED PROFESSIONAL WITH RESEARCH EXPERIENCE (SEE R.III.E-1).

EXHIBIT 2

MINISTRY OF LABOUR

OCCUPATIONAL HEALTH AND SAFETY DIVISION



* These positions are filled by one person.
▲ Three individuals in this unit serve the O.H. & S. Division.

III. ORGANIZATION

A. THE CURRENT ORGANIZATION STRUCTURE

The Occupational Health and Safety Division (the Division) is a major responsibility of the Deputy Minister of Labour and reports to him through an Assistant Deputy Minister and an Executive Director, who share responsibility for management. Generally speaking, the former has responsibility for long-range strategic planning, and for external relations with scientific and technical groups and with regulatory bodies in other jurisdictions. The latter is responsible for the operational management of the Division. The organization structure is shown in Exhibit 2, opposite.

The Assistant Deputy Minister oversees the Strategic Policy Unit whose mandate is to analyze trends in occupational injury and disease, to identify issues, to develop policy, and to recommend priorities for the control of toxic substances and other potential hazards. Thus, the Strategic Policy Unit helps the Assistant Deputy Minister to fulfill the role of strategic management of the Division.

The Executive Director has within his office three support functions: the Manager of Information and Analysis; the Director of Appeals; and the Program Development Unit. He also supervises three support branches and three line branches. The principal responsibilities of the three support branches (Occupational Health, Special Studies and Services, and Standards and Programs) comprise undertaking health and safety studies, helping to set exposure limits for designated substances, and providing administrative and professional support to the field organization; however, two of the three embrace elements of service delivery.

The three line branches, Construction Health and Safety, Industrial Health and Safety, and Mining Health and Safety comprise the

principal service delivery capability of the Division. These branches operate a regional network of offices throughout the Province, staffed by inspectors and support personnel whose main function is the provision of client services.

Financial and administrative support for the Division, and for other units within the Ministry of Labour, is provided by the Finance and Administration Division, which reports directly to the Deputy Minister. These services include financial management, personnel, systems and data processing, administration, internal and management audit, communications and a library. An occupational health and safety advisory service, formerly located within the Occupational Health and Safety Division, is now provided by the Industrial Relations Division which, in turn, is headed by an Assistant Deputy Minister reporting to the Deputy Minister. The role of this service is to assist employer clients, unions and joint health and safety committees to resolve problems in the field related to the programs of the Division.

Legal services required by the Division are provided by the Ministry of the Attorney General and are located in a separate branch in the Ministry of Labour. This branch also serves other components of the Ministry of Labour.

In the following sections, the organization of the Division is examined, beginning with the form of organization, roles and relationships. Attention is then directed to the branch structure, then to the field organization and, finally, to the top management structure. The proposals for organization change are significant, and will result in a fundamental restructuring of both Head Office and the field. While it is recognized that the organization structure is only one dimension of the Division's effectiveness, and that competent, highly motivated employees can achieve excellent

results working within a faulty structure, it is also true that significant improvements in communications, clearer accountability and faster response to field needs will result from the recommended changes.

B. ORGANIZATIONAL FORM, ROLES AND RELATIONSHIPS

This section analyses the form of organization, relationships with the Minister's office, the role of the Advisory Council, overall accountability for the performance of the Division, and the balance between Head Office and the field.

1. The Divisional Form of Organization Should Be Retained

The Division is an integral part of the Ministry of Labour and reports to the Minister through the Deputy Minister. The suggestion has been made that it might be better to adopt a commission form of organization whereby the executive head of the Division would be accountable to a commission and it, in turn, to the Minister. The advantages claimed for such an arrangement are:

- The commission could comprise equal representation from labour and management, plus a chairperson chosen, in part, for his or her neutrality. The commission could, thus, provide labour with part of what it has been seeking: a governing structure that might balance the interests of workers with those of employers. The commission could thus, for example, be a "court of last resort" for appeals arising from administrative decisions within the Division.

- A commission structure would remove the Division from direct government control, giving it more independence

> from the government of the day and making it less subject to ministerial direction. The commission would set policies that serve the needs of occupational health and safety alone, without having to give as much consideration as is now necessary to other activities within the Ministry.

This study has carefully considered the advantages of adopting a commission form of organization and has concluded that it would not be prudent to do so. In the short term, there are many problems to be overcome in the organization and management of the Division, and the first priority should be to deal with them. Conversion to a commission form of organization at this time would be distracting and would consume the time and energies of senior people, which is better spent elsewhere. Of greater significance, neither labour nor management have demonstrated that they are ready for it; there is too much polarity between them. This has been evident from the experiences of the Advisory Council. If labour and management cannot work together harmoniously on an advisory body, it is unlikely they can do so on a decision-making body, such as a commission.

In the long term, most of the alleged benefits of a commission can be achieved within the framework of the current form of organization. For example, when making senior staff appointments, care can be taken to select individuals known to have a balanced view of the interests and concerns of labour and management; committees and advisory bodies can be established with representation from both constituencies; and an independent tribunal can be used to hear appeals. Moreover, there are advantages in retaining the Division within the Ministry's direct control since this enhances political

accountability and responsiveness. Accordingly, it is recommended that:

R.III.B. - 1: THE DEPARTMENTAL FORM OF ORGANIZATION SHOULD BE RETAINED WHEREBY THE DIVISION IS AN INTEGRAL PART OF THE MINISTRY OF LABOUR AND IDENTIFIED AS THE "OCCUPATIONAL HEALTH AND SAFETY DIVISION".

2. The Advisory Council on Occupational Health and Occupational Safety Should Be Retained

The function of the Advisory Council is:

- to make recommendations to the Minister relating to programs of the Ministry in occupational health and occupational safety; and

- to advise the Minister on matters relating to occupational health and occupational safety which may be brought to its attention or be referred to it.

It comprises not fewer than twelve and not more than twenty members appointed by the Lieutenant Governor in Council. There is a small but competent support staff located at the Division's Head Office in Toronto.

The Council normally meets about twelve times a year, but makes extensive use of task forces and sub-committees which meet separately, frequently with outside specialists from industry, the universities, labour groups and government bodies. There is extensive correspondence between the Council and the Ministry in which the Minister seeks the advice of Council on proposed regulations, exposure limits and other matters, mostly health-related. This correspondence and the accompanying documentation comprise the formal channels through which the Minister seeks advice; Council, in turn, provides advice and

criticism on a wide range of topics. The Council publishes a comprehensive annual report which describes its activities in some detail.

The Council provides a mechanism for the Minister to obtain the views of a wide range of exceptionally qualified people in the field of occupational health and safety, and for those people, through Council, to offer their unsolicited advice to the Minister. It also provides a means for dealing with highly controversial topics by subjecting them to objective analysis by an independent group, with tripartite representation from management, labour and the public. The success of Council depends upon the appointment of outstanding people who are prepared to strive to maintain a non-adversarial environment and to avoid using the Council as a platform to espouse parochial interests. The success of Council, therefore, rests with the Minister and his skill in selecting members carefully, particularly the chairperson who must provide forward looking leadership.

The Advisory Council is a most efficacious arrangement, its greatest drawback probably being the slow response time inherent in such a structure. The types of issues suitable for consideration by Council are those which are amenable to careful, reflective study over a substantial period, such as questions of policy. This study believes that the Advisory Council should be retained in its present form and should be used by the Minister as an important source of advice on proposed policies and changes in regulations. It is, therefore, recommended that:

R.III.B. - 2: THE ADVISORY COUNCIL SHOULD BE RETAINED IN ITS PRESENT FORM AND THE MINISTER SHOULD CONTINUE TO SEEK ITS ADVICE ON MATTERS OF POLICY AND LONGER-TERM STRATEGIC ISSUES.

3. <u>There Should be a Single Position Which Can Be Held Accountable By the Deputy Minister for the Administration of the Act</u>

Under the current organization of the Ministry, the functions necessary for the administration of the Act are located in four different units, each of which reports separately to the Deputy Minister, namely: the Finance and Administration Division; the Industrial Relations Division; the Legal Services Branch; and the Occupational Health and Safety Division itself. Moreover, as already mentioned, the responsibility for the management of the Division is split between the Assistant Deputy Minister and the Executive Director. Thus, the Deputy Minister must coordinate the work of five subordinates to ensure the smooth functioning of the Division.

This arrangement results in fragmentation of accountability; decision making is difficult; and management direction and control of the Division's activities become focused on the Deputy Minister.

This is not an appropriate arrangement, particularly given the Deputy's other onerous responsibilities. These include the Industrial Relations Division, the Labour Policy and Programs Unit, the Quality of Working Life Centre and the Affirmative Action Program. It is essential that a single position, reporting to the Deputy, should have overall responsibility for the administration of the Act. Because of the importance of the role and complexity of the Division's activities, this position should carry the status of Assistant Deputy Minister.

A further result of the current arrangement is that the resources required by the Division are not located within its confines, but must be drawn from two other divisions and the Legal Services Branch. Although consistent with government practices, this reduces the accountability of the senior executive of the Division.

These observations are not intended to imply that all of the resources necessary to operate the Division must be under the control of its chief executive. A strong case can be made for centralizing certain services, such as legal services, in a separate branch in the interests of efficiency and in recognition of the fact that they serve all components of the Ministry of Labour. However, a balance must be struck between the pooling of such services in a central unit in the interests of efficiency on the one hand, and decentralization in the interests of increased accountability on the other.

The view of this study is that, if it cannot be demonstrated that there are compelling advantages to the centralization of service functions, they should be located within the organizational boundaries of the units they serve. Consistent with this philosophy, two recommendations are made:

R.III.B. - 3: ACCOUNTABILITY FOR THE DIVISION'S OPERATIONS SHOULD BE VESTED IN A SINGLE POSITION REPORTING TO THE DEPUTY MINISTER AND, SUBJECT TO COMPELLING REASONS TO THE CONTRARY, ALL RESOURCES NECESSARY FOR THE CONDUCT OF THE DIVISION'S ACTIVITIES SHOULD BE UNDER THE DIRECTION OF THAT POSITION.

R.III.B. - 4: THE HEAD OF THE DIVISION SHOULD CARRY THE RANK OF ASSISTANT DEPUTY MINISTER IN RECOGNITION OF THE SCOPE AND COMPLEXITY OF THE RESPONSIBILITIES INVOLVED.

4. Head Office Should Support the Field Operations

As the table below indicates, during the last four years, the number of positions in the offices of the Assistant Deputy Minister, the Executive Director and the Standards and Programs Branch has increased by 39%, while the staffing of the three line branches has declined by 3.5%, in absolute terms, and by considerably more relative to the workload, which has expanded due to more workplaces and the enlarged responsibilities of the

EXHIBIT 3

OHSD STAFFING HISTORY

Positions at March 31

	79/80	80/81	81/82	82/83	83/84	84/85	85/86	86/87 [6]
ADM	6 **	6 **	9 **	12 [3]	13 [3]	12 [3]	10 [3]	10
EX DIR	---	---	---	2 [3]	22 [3]	25 [3]	32 [3]	38
S & P	79	81	68	73	63	61	65	63
CHSB	126	129	117	117	114	110	105	111
IHSB	161 [8]	200	187	184	177	175	174 *	179
MHSB	85	85	85	83 *	83 *	82	80 *	80
OHB	168	177	171	187 [4]	181 *	176 *	174 *	202
SSSB	75	74	74	68	67 *	77	73 *	73
MINE RESCUE	9	9	9	9	9	9	9	9
TOTAL	715 [1,7]	761 [2]	720 *	735 *	722 [5,*]	727 *	722	765

Notes: Source - MDL Annual Reports except where otherwise noted

* Annual report figure corrected from PAE records.
** Derived from annual report figures
1 Includes additional 67 positions approved by Management Board
2 Includes additional 43 positions approved by Management Board March 12, 1980
3 Source - MDL Personnel position panel
4 Includes December 1982 transfer of staff from Northern Chest Clinics
5 After transfer of district office staff to F. & A. Division
6 Funded positions as of October 1, 1986
7 Total includes 6 positions for Advisory Council on Occupational Health & Occupational Safety
8 Source - MDL Personnel position panel - annual report figure quoted as 140.

inspectorate. The significant decrease in the construction branch reflects the decline in construction activity during the recession. Further details of the staffing of the Division are provided in Exhibit 3, opposite.

TABLE 1

HEAD OFFICE STAFFING
(ADM; Exec. Dir.; Standards and Programs)

80/81	81/82	85/86	Increase 81/82 to 85/86	
87	77	107	30	39%

LINE BRANCH STAFFING

	79/80	80/81	85/86	Increase (Decline) 79/80 to 85/86	
Industrial Branch	161	200	174	13	8.1%
Construction Branch	126	129	105	(21)	(16.7)%
Mining Branch	85	85	80	(5)	(5.9)%
	372	414	359	(13)	(3.5)%

The staffing history of the Division is the result of a number of inter-related factors, including:

- From 1979 when the Act took effect, responsibilities were progressively added to the Division's mandate, while government restraint measures were being intensified and it was difficult to obtain approval to staff to the levels requested.

- Subsequent restraint measures, including a voluntary retirement option in 1984-85, resulted in reductions in field staff.

- The Ministry consistently received fewer resources than requested, as a result of Management Board decisions.

- The need to improve assistance to field services and to regulation development programs.

- Following the advice of two consultant studies, the office of the Executive Director, including the Program Development Unit, and the Strategic Policy Unit in the Assistant Deputy Minister's office were established to strengthen the Division's corporate management capability and to support the development of legislation, regulations and intergovernmental liaison.

The net effect is that the inspectorate at the end of 1985/86 comprised 49.7% of the total staff of the Division, compared to 52% five years ago. This trend has adversely affected the morale of line branch field staff, some of whom believe that they have suffered a loss of personnel as a direct consequence of expansion of the Head Office staff level. Although there is no evidence that this is so, it is undeniable that, during a period of government spending restraint, the simultaneous expansion of one segment of the Division and the contraction of another is bound to cause tension. When coupled with heavy demands for information originating in the Minister's office, and the disruption to normal routines caused by investigations of fatalities, accidents and refusals to work, the inspectors believe that their ability to deliver an effective inspection program has been compromised.

It is ultimately at the field level, through interventions in the workplace, that the Division's programs have their greatest impact. All of the resources of the Division, including those at Head Office, should be used to support the activities of inspectors in their role of working with joint health and safety committees and enforcing the Act. The recent trend must be reversed, with more resources deployed to the field and a major decentralization of decision making and management of field operations.

Specific recommendations aimed at decentralizing management of the line branches and substantially strengthening their resources are included in Section C, on the following page. The principle supporting these recommendations is embodied in the recommendation that:

R.III.B. - 5: THE RESOURCES REQUIRED BY THE LINE BRANCHES TO DELIVER EFFECTIVE CLIENT SERVICES SHOULD BE DEPLOYED IN THE FIELD UNDER A DECENTRALIZED MANAGEMENT STRUCTURE. HEAD OFFICE SHOULD RECOGNIZE THAT ITS ROLE IS TO SUPPORT FIELD OPERATIONS.

Although the objective of this study is not cost reduction, it is appropriate to mention opportunities for economies, particularly when cost reductions at Head Office could allow resources to be transferred to locations where they are urgently needed. Although no attempt has been made to identify how or where staff levels at Head Office can be reduced, this study believes that the scope is significant. Part of this reduction would be offset by transfers to the field in an expanded and strengthened regional organization, but the net savings to the Division could still be worthwhile.

The achievement of these economies is dependent upon implementation of other recommendations in this report, particularly those relating to office automation and management information systems. The initial costs of implementation will also be substantial, to cover staff training and relocation, systems software and computer hardware, and it will be some years before the full benefits and savings will be realized. To ensure that the financial rewards from reorganization are achieved, it is recommended that:

R.III. B. - 6: FOLLOWING ACCEPTANCE OF THE RECOMMENDATIONS FOR REORGANIZING THE DIVISION, AN IMPLEMENTATION PLAN SHOULD BE PREPARED, INCLUDING A BUDGET AND TARGETS FOR COST REDUCTION AT HEAD OFFICE.

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C. THE BRANCH STRUCTURE

Organizational effectiveness is achieved when activities are clearly differentiated and when provision is made to integrate the component parts. Differentiation involves grouping together tasks which have a similar orientation, require similar skills and enjoy a synergistic relationship. It permits the benefits of specialization to be attained. Integration ensures that the differentiated parts work together in pursuit of overall institutional goals.

Analysis of the current organization of the Division shown in Exhibit 4, opposite, reveals three opportunities to differentiate more clearly the activities within the Assistant Deputy Minister's office, the Executive Director's office, the three staff branches and the three line branches:

- Service delivery activities should be grouped together in a single branch and separated organizationally from support and administrative functions.

- Support services should be rationalized and accountability for each service should be clarified.

- Responsibility for developing regulations for toxic substances should be clarified.

When reading the following detailed comments on each of these opportunities, the earlier recommendation to strengthen resources in the field and to decentralize operations should be kept in mind.

1. <u>All Service Delivery Activities Should Be Differentiated From Support and Administrative Functions and Integrated in an Operations Branch</u>

Service delivery is defined to embrace all services rendered directly by the Division to clients in the field. It includes the work of inspectors in supporting the Internal Responsibility System and in enforcing the Act; back up engineering support; services provided by the field staff of the Occupational Health Branch (OHB); and the assistance rendered by managers and Head Office personnel when working in the field.

The main function of the three line branches, Industrial, Construction and Mining, is service delivery. Their activities should be integrated and co-ordinated by a senior position to which they should report. The sole mandate of this position, designated the Executive Director, Operations Branch, should be service delivery. This is a key position because service delivery is the most important and the most costly function of the Division. It requires the full-time attention of a senior person.

An important responsibility of the Executive Director, Operations will be to ensure that the provisions of the Act are consistently interpreted and applied. This need is addressed in detail in Chapter V which deals with client programs. The Executive Director, Operations will be accountable to the Assistant Deputy Minister for the delivery of all client services in conformity with the Act and the Division's policies.

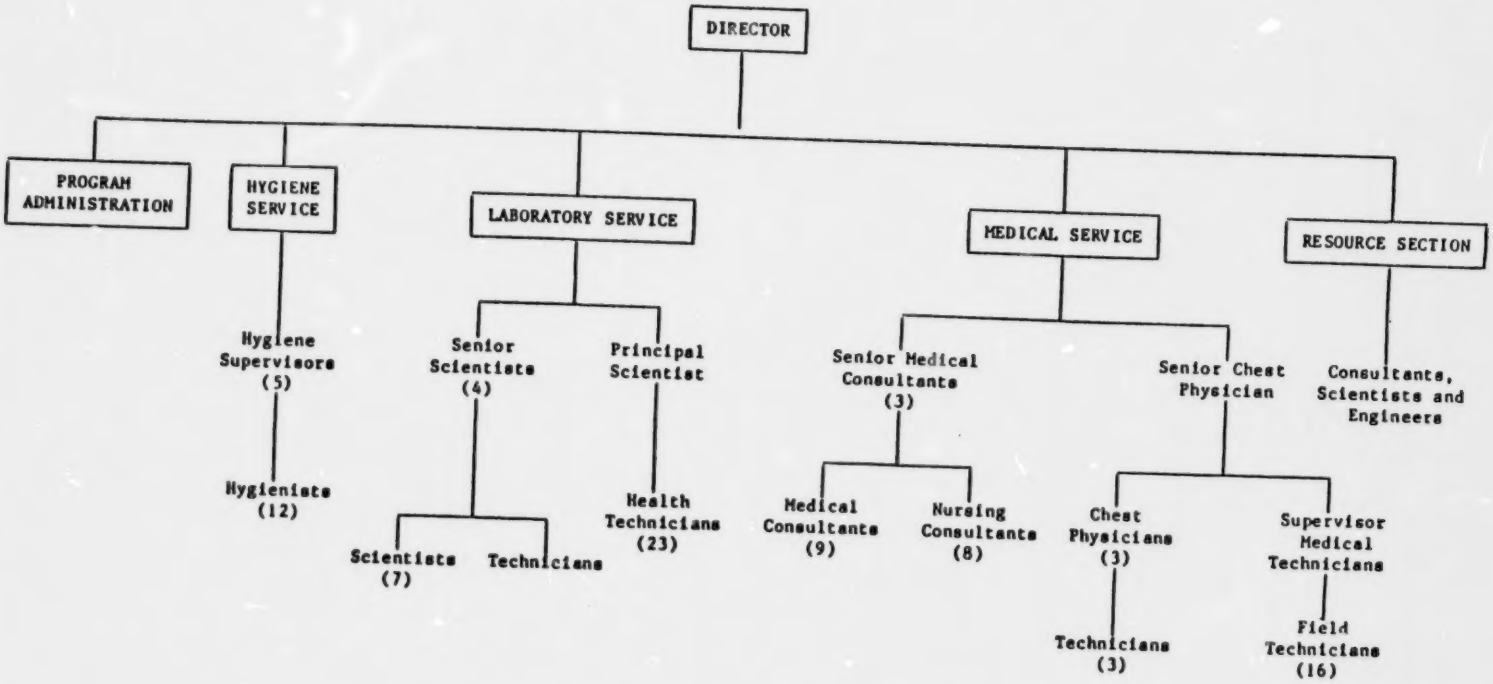
Two other branches are involved in service delivery - the Occupational Health Branch and the Special Studies and Services Branch. Consideration should be given to transferring the

EXHIBIT 5

OCCUPATIONAL HEALTH AND SAFETY DIVISION

OCCUPATIONAL HEALTH BRANCH

ORGANIZATION



service delivery functions within these branches to the Executive Director, Operations.

a. The Occupational Health Branch (OHB)

The organization of the OHB is shown in Exhibit 5, opposite. The service delivery components and their recommended disposition are as follows.

- The five hygiene supervisors and twelve hygienists are located in the field in five regional offices. The service should be transferred in its entirety to operations.

- The laboratory service comprises two sections: the laboratory itself and a field force of 23 technicians, located in five regional offices. The laboratory is, by definition, a central facility, serving the field and other clients. It should form part of the support infrastructure. On the other hand, the field staff should be transferred to operations, but should continue to receive functional and technical direction from the laboratory.

- The medical service also comprises two sections: three senior medical consultants, nine medical and eight nursing consultants who are located in the field, and the chest service which has its headquarters in Toronto, but is dispersed in the field. The medical and nursing consultants should be transferred to operations. The chest service, although located in the field, has little day-to-day contact with the inspectorate and works independently

from joint health and safety committees. It should remain a centralized service.

- The resource section comprises medical and nursing consultants, toxicologists, scientists, and engineers, all located centrally. These professionals provide support to the field and perform other services. They should be part of a centralized service function.

b. The Special Studies and Services Branch (SSSB)

The SSSB comprises four units:

- health studies,
- safety studies,
- a radiation protection laboratory, and
- a radiation protection service.

Only the radiation protection service provides direct client services in the field, and could, therefore, be transferred to operations. However, none of the staff is located in the field and there would be no advantage in relocating them in the regional offices since, unlike the hygienists, engineers, doctors and nurses in the OHB, their work does not bring them into day-to-day contact with inspectors and with joint health and safety committees. The nature of their work is technical and it is important that they maintain a close working relationship with the radiation laboratory for technical support. Therefore, the radiation protection service, like the chest service of the OHB, should remain centralized and should not be transferred to operations.

The transfer of most service delivery functions from the OHB and the SSSB to operations, and their integration with the three line branches will profoundly alter the branch structure and the organization of the Division. The most significant result will be a stronger, better integrated field delivery service. All of the resources required to serve clients will be located in a new operations group, including inspectors, hygienists, technicians, engineers, doctors and nurses. As mentioned in a later chapter, successful integration of these personnel will be greatly enhanced by a common, on-line data base, and the ability of all field staff to access that data base. In fact, computer-based linkages will be essential under the "single window" concept to facilitate communications between inspectors, hygienists and others, and to permit their visits to workplaces to be planned efficiently and co-ordinated.

There are other advantages to this arrangement. Responsibility for service delivery will be vested in a single position, the Executive Director, Operations. This contrasts with the current arrangement whereby responsibility is shared by four directors: the directors of the three line branches and the Director of the OHB. Although the line branches have responsibility for both health and safety in the workplace, most of their effort is directed to safety-related matters; the OHB plays the major role in health-related matters through the provision of specialized services. Under the proposed organization, the maintenance of an appropriate balance between health and safety, and the coordination of these services will take place at the Executive Director, Operations level and below. This will strengthen the accountability for service delivery and leave the Assistant Deputy Minister free of this

duty. He or she will thus be able to concentrate on Division policy and general management.

It is an important conclusion of this study, and of an earlier study by Dr. Ham, that better coverage of the workplaces in matters related to health is required. Dr. Ham's report speaks to the importance of "presence" and the need for health to receive greater visibility. It is unlikely that this can be achieved by a centrally directed health service, organizationally separated from the inspectorate. The solution lies in better teamwork and an integrated health and safety inspectorate. By working together at the local office and regional levels, the field staff of the OHB and the line branches can meet the call for an increased health presence. Responsiveness to local needs will be increased and the resources of the Division can be utilized most effectively.

A further advantage of the proposed organization is that it lends itself to greater decentralization. At the moment, the OHB is centralized. Nominally, the Industrial and Construction Branches are decentralized, but the staff resources at the regional level are inadequate to permit full delegation of operating decisions. Through integration of OHB field services with the line branches, a fully effective, decentralized service can be achieved. Resources comprising engineers, doctors, hygienists, nurses, technicians, planners and administrators can be provided regionally, using existing personnel. The regions will thus function as semi-autonomous "mini-divisions", accountable to the Executive Director, Operations.

Critics of these proposals may claim that decentralization of OHB field services will weaken professional and technical integrity, leading to lower quality service. This is a valid

concern, and it will be important to retain strong links between field personnel and senior professional specialists at Head Office. Thus, direction of field staff through strong functional relationships, clear policy guidelines and professional standards must be maintained. These should be supplemented by training programs, conferences, workshops and a strong professional committee structure to ensure that the quality of field services is retained and enhanced. This study, therefore, foresees an important continuing role for a re-constituted OHB, with a mandate to support operations by setting professional policies and standards, and to provide certain essential services such as laboratories, the chest service and the radiation protection service.

The advantages and disadvantages of a functional versus a regional structure can be debated at length. However, at this time, given the concern over the adequacy of the inspectorate and the demands for a stronger health presence, the weight of argument falls in favour of decentralization through a regional organization, with strong functional and technical support at the regional level and centrally. Accordingly, it is recommended that:

R.III.C. - 1: THE FIELD SERVICES OF THE OCCUPATIONAL HEALTH BRANCH, EXCEPT THE CHEST SERVICE, SHOULD BE INTEGRATED WITH THE INDUSTRIAL, CONSTRUCTION AND MINING BRANCHES IN A NEW FIELD SERVICE DELIVERY ORGANIZATION, HEADED BY AN EXECUTIVE DIRECTOR, OPERATIONS.

R.III.C. - 2: THE FIELD SERVICE SHOULD BE REGIONALIZED WITH FULL PROFESSIONAL, TECHNICAL AND ADMINISTRATIVE SUPPORT SERVICES LOCATED IN EACH REGIONAL OFFICE.

R.III.C. - 3: THE TECHNICAL AND PROFESSIONAL STANDARDS AND POLICIES OF FIELD SERVICE UNITS SHOULD BE ESTABLISHED AND MAINTAINED THROUGH CENTRAL FUNCTIONAL DIRECTION AND THROUGH COMMITTEES, CONFERENCES AND TRAINING PROGRAMS.

The implementation of these three important recommendations will necessitate substantial strengthening of the regional offices. Regional directors must have a thorough grasp of health and safety issues and possess strong management skills. They must have the stature and ability to supervise professionals and to oversee the operation of the local offices within their regions.

The Executive Director, Operations, and the regional directors will require administrative support services in planning, financial management, performance monitoring and control. They will also need staff support to coordinate training and human resource development programs.

Equally significant changes will be required at Head Office and in the other branches of the Division.

Deploying the delivery services of the Division to the regions may also affect the field activities of other units within the Ministry, such as the Employment Standards Branch. It is logical to ask whether such activities should also be under the regions, or should continue to report centrally. This question is beyond the scope of this study, but may have to be addressed before a final decision with respect to a regional organization can be made.

2. Support Services Should be Rationalized and Accountability for Each Service Should Be Clarified

Examination of the organization of support services reveals that there are five staff units with similar mandates:

(i) The Standards and Programs Branch (70 employees) which undertakes program analyses and evaluations for the

Division, and provides advisory services and administrative support.

(ii) The Strategic Policy Unit (6 employees) which identifies health and safety issues, establishes policy, sets priorities for the control of toxic substances and other potential hazards, and analyzes trends in occupational injury and disease in support of the strategic planning process.

(iii) The Program Development Unit (32 employees) which develops regulations for the control of toxic substances, advises on economic and cost impacts, and develops division-wide operating policies. This unit also operates the Designated Substances Enforcement Unit and co-ordinates divisional training activities.

(iv) The Resource Section of the Occupational Health Branch (13 employees) which provides scientific and medical support to the branch administration and field consultants, and assists in the development of codes for designated substances.

(v) The Special Studies and Services Branch (77 employees) which provides toxic agent health effects advice to the Division and other Ministries, performs risk analyses, and recommends exposure values for inclusion in the designated substance regulations.

Although the heads of the these five units appear to have worked out their respective responsibilities and relationships, the possibility of overlap and duplication exists. Moreover, as similar functions are performed in two or more of these units, there are opportunities to achieve closer integration

through reorganization and rationalization of these support services. For example:

- The radiation protection laboratory is located in the Special Studies and Services Branch, while the occupational health laboratory is in the Occupational Health Branch. Both of these laboratories provide support to those working in the field.

- The health studies service of the Special Studies and Services Branch and the resource section of the Occupational Health Branch undertake scientific and medical studies, either on behalf of other units within the Division, or on behalf of other Ministries. They both employ physicians and scientists, and one or more bio-statisticians.

- The safety studies section of the Special Studies and Services Branch employs ergonomists and psychologists while audiologists, medical toxicologists and medical consultants are employed in the resource section of the Occupational Health Branch. The similar professional services within these two units are largely devoted to the support of field activities, yet they are located in different branches.

- The Occupational Health Branch - "takes the lead role in dealing with occupational health issues in the field and . . . is responsible for ensuring that new chemicals and biological agents notified under Section 21 of the Act are handled safely in the workplace."* The Designated

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* Occupational Health Branch Operations Manual: Branch Objective.

Substances Enforcement Unit comprises an enforcement capability to ensure compliance with the regulations dealing with selected chemicals and biological agents. It reports to the head of the Program Development Unit and is, therefore, not part of the Occupational Health Branch, yet both groups are concerned with enforcing designated substance regulations.

These examples demonstrate that there are opportunities to rationalize the structure and to reduce the complexity of the organization by consolidating certain specialist groups.

Another reason for rationalization is that the current Head Office structure demands extensive interaction and communication between each component, and with senior division managers, to achieve coordination, agree on priorities and manage day-to-day activities. These interactions and the requirements of the Minister place heavy demands on the time of the Executive Director and the Assistant Deputy Minister, leaving less time for the Executive Director to devote to the three line branches. In these circumstances, it is not surprising that inspectors have commented that communications between Head Office and the field need to be improved.

To reduce the complexity arising from five staff units with similar mandates, to avoid overlap or duplication, and to facilitate communications, it is recommended that:

R.III.C. - 4: THE SUPPORT SERVICES IN THE EXECUTIVE DIRECTOR'S OFFICE AND IN THE THREE STAFF BRANCHES SHOULD BE RATIONALIZED AND ACCOUNTABILITY FOR EACH SERVICE SHOULD BE CLARIFIED.

3. Responsibility for Developing Regulations for Toxic Substances Should be Clarified

The regulation of designated substances provides an illustration of the problems now encountered in integrating the activities of the Division. Responsibility for designated substances is fragmented, with eight organizational units involved.

The first six play a role in program development:

(i) The Assistant Deputy Minister has been given responsibility for - "looking at the control of toxic substances in terms of our longer-term approach to the problem".*

(ii) The Strategic Policy Unit is responsible for - "establishing policy and setting priorities for control of toxic substances and physical hazards".**

(iii) The resource section of the Occupational Health Branch is responsible for providing - "advice on current issues and occupational health problems encountered in the field and for assisting in the development of codes for designated substances".***

(iv) The responsibilities of the Special Studies and Services Branch include - "acting as a resource to the Division on the long-term health effects of exposure to various toxic or hazardous agents; investigations of health problems

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* Ministry document May 3, 1983.
** 1984/85 annual report, page 16.
*** 1984/85 annual report, page 21.

associated with occupational exposure to hazardous agents; and conducting and/or sponsoring research related to problems of occupational exposure to hazardous agents . ." This branch also - "makes recommendations for levels of exposure to various agents associated with industrial processes in industry".*

(v) The Advisory Council has received a specific mandate to inquire into and make recommendations concerning the methodology for dealing with designated substances and the process followed to arrive at standards.

(vi) The Program Development Unit has been assigned responsibility - "to advise and assist on economic and cost analysis issues in the development of designated substances and other health and safety regulations".**

This unit also coordinates the enforcement of designated substance regulations.

The two remaining units involved in the designated substances program are responsible for program delivery:

(vii) The Designated Substances Enforcement Unit (DSEU) which reports to the Manager of the Program Development Unit, has been given the mandate to - "provide an enforcement capability for the Division to ensure compliance with the designated substance regulations".***

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* 1984/85 annual report, page 44.
** 1984/85 annual report, page 17.
*** Discussion paper on the organization of the Designated Substances Enforcement Unit, March, 1985; Touche Ross & Partners.

(viii) Under the Act, the inspectorate bears front-line responsibility for client services, including the control of toxic substances.

This fragmentation of responsibility for designated substances makes coordination difficult, extends lines of communication and slows decision-making. More importantly, accountability for program development and delivery have not been clearly established. The example provided by the regulation of designated substances, although possibly the most dramatic illustration of faulty structure, is symptomatic of the problems encountered throughout the Division, and highlights the need for reorganization.

To correct these deficiencies, two recommendations are offered, one general and one specific:

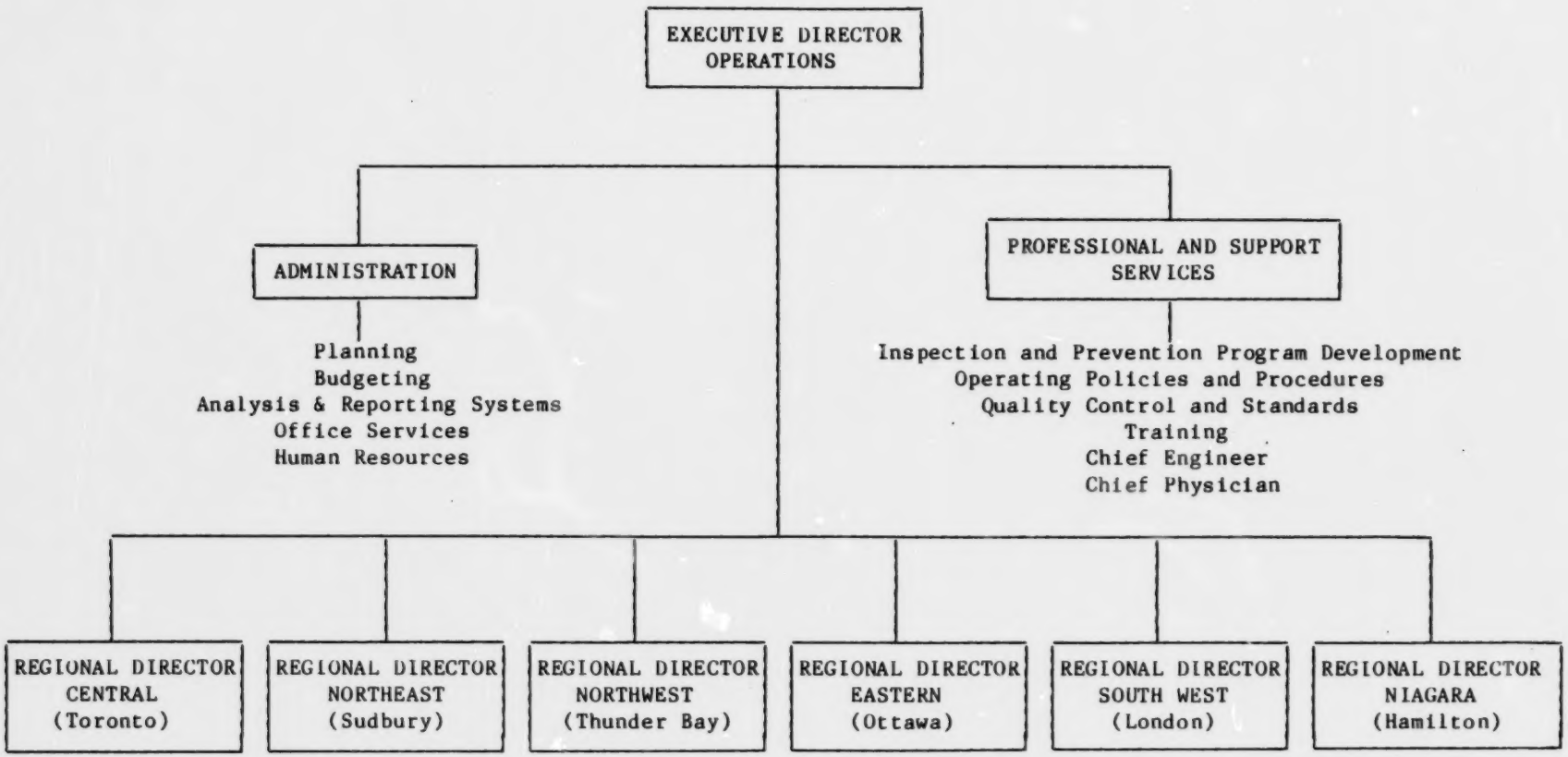
R.III.C. - 5: RESPONSIBILITIES FOR DEVELOPING REGULATIONS FOR TOXIC SUBSTANCES SHOULD BE CONSOLIDATED AND ASSIGNED TO A SINGLE POSITION. TO THE EXTENT PRACTICABLE, ALL THE RESOURCES NEEDED TO ACCOMPLISH THIS TASK SHOULD BE CONTROLLED BY THAT POSITION.

Pursuant to the conclusions in Chapter V, Section B, which deals with toxic substances, it is also recommended that:

R.III.C. - 6: THE ENFORCEMENT ACTIVITES OF THE DESIGNATED SUBSTANCES ENFORCEMENT UNIT SHOULD BE ASSUMED BY THE OPERATIONS GROUP, REPORTING TO THE EXECUTIVE DIRECTOR, OPERATIONS. THE REMAINING ACTIVITES SHOULD BE MANAGED BY THE POSITION IDENTIFIED IN R.III.C. - 5.

EXHIBIT 6

OCCUPATIONAL HEALTH AND SAFETY DIVISION
FIELD ORGANIZATION



D. THE FIELD ORGANIZATION

For the reasons already stated, a unified field organization under an Executive Director, Operations, is recommended, with services delivered through a decentralized, regional structure. This delivery system must retain and strengthen all of the existing specialist functional and industrial skills, including both health and safety, and the expertise of the industrial, construction and mining branches. This can be accomplished through a combination of greater specialization at the inspectorate level, adequate support services at the regional level, and a strong administrative and program development capability at the Executive Director, Operations level. This will now be described, beginning with the regional structure.

1. Services Should Be Delivered Through Regional Offices

The best way to divide the Province into regions has not been studied in detail, but five or six regions would seem appropriate, although four is possible if the Hamilton-Niagara region can be served effectively from London. The Industrial Branch, which is the largest branch, has five area offices in Toronto East, Toronto West, Hamilton, London and Sudbury; the Construction Branch has three regional offices in Toronto, Hamilton and Ottawa; the Mining Branch services are centred in Sudbury. Although the location of existing offices should not be a major factor when defining regional boundaries, disruption would be minimized and reasonable "span of control" would result if five or six regions were established, with offices in Toronto, Hamilton, London, Ottawa, Sudbury and, possibly, Thunder Bay. The proposed structure is shown in Exhibit 6, opposite. Under this arrangement:

- the Construction Branch could continue to function from its three existing offices, and could also base services in London, Sudbury and Thunder Bay;

- the Industrial Branch could consolidate its Toronto services in one location, or operate one of its Toronto offices as a satellite of the other, and it could base its eastern services in Ottawa; and

- the Mining Branch would continue to function much as it does now, but the Director would assume the added responsibility for the Northeast regional office, based in Sudbury.

Some rationalization of existing responsibilities would be desirable to make the best use of the regional structure. For example, responsibility for pits and quarries in Southern Ontario, which is now under the Mining Branch, could be transferred to the Construction Branch, or possibly to the Ministry of Natural Resources. These details, and the precise number and geographical boundaries of the regions, can be developed after the new structure is approved in principle, with the adoption of the following recommendations.

R.III.D. - 1: ALL CLIENT SERVICES SHOULD BE DELIVERED THROUGH REGIONAL OFFICES, TENTATIVELY TO BE LOCATED IN TORONTO, OTTAWA, LONDON, HAMILTON, SUDBURY AND THUNDER BAY.

2. The Northeast Regional Office Will Require a Unique Organization

The current organization of the Mining Branch differs from the other two line branches and is suited to the particular needs of the mining industry. Many of its features should be

retained. However, adjustments will be required to incorporate the regional needs of the Industrial and Construction Branches in a new integrated regional office in Sudbury.

R.III.D. - 2: THE ACTIVITIES OF THE MINING BRANCH SHOULD BE INTEGRATED WITH THE NORTHEAST REGION, BASED IN SUDBURY.

3. Staff Support Should Be Provided at All Levels

Staff support services are required at all levels of the organization: at Head Office, at the regional level, and in local offices.

Professional and technical support in the field is located in the area and regional offices and, except for engineers, is managed centrally by the OHB.

- In the Construction Branch, there is one engineer in each of the three regions, serving four to six offices. There are no professional staff reporting to the Director.

- In the Mining Branch, the area offices are headed by engineers, but there are no staff positions reporting to the Director and no professional skills, other than engineering, in the Branch.

- In the Industrial Branch, there are no professional staff positions reporting to the area managers. However, a Chief Engineer reports to the Director, and he has a staff of two senior engineering consultants at Head Office, and a field staff of ten engineers. There are no other professional support positions in the Branch.

- All of the non-engineering professional support staff, including hygienists, health technicians, nurses and doctors, are attached to the Occupational Health Branch and report, through their respective managers, to the Branch Director.

Administrative support to the line branches at the area and regional levels is also limited. It comprises clerical functions only.

As a result of inadequate professional, technical and administrative support, the line branches are strongly safety oriented; the role of regional and area offices is limited to administration; and the capacity for innovation in service delivery is limited.

Given the different clientele of the three line branches, it would be reasonable to expect each branch to have its own distinctive programming. However, none of the branches has a position devoted to this activity. At the "area" level in the Mining and Industrial Branches, at the "regional" level in the Construction Branch, and at the "director" level in all three branches, there is no staff support dedicated to developing ways to improve the efficiency and effectiveness of the inspectorate. When it is recognized that this is the largest and most expensive resource within the Division, the seriousness of this deficiency becomes apparent.

The solution proposed by this study is to consolidate the field activities of the OHB with the three line branches in a new Operations Branch, with a regional service delivery structure, thus providing an operating organization large enough and strong enough to support the staff resources it will need.

These resources will include technical and professional skills in health and safety - related disciplines, as well as administrative competence. They will permit the development of innovative programs, as proposed by Dr. Ham, which stress prevention and support for the Internal Responsibility System, as well as programs aimed at hazard identification and enforcement. The resources needed at each level will now be described.

a. Head Office

The Executive Director, Operations, will require two types of support: an administrative unit and a professional and support services unit, as shown in Exhibit 6. The administrative unit will consolidate plans and budgets prepared by the regions in an operations plan. It will analyse operating results, prepare reports and provide a human resources service for the Operations Branch. It will also administer the Executive Director's office and provide functional direction to support service units at the regional and local office levels.

Professional and support services are also required in the Executive Director's office. The Chief Engineer and the Chief Physician will be part of this unit, and they will provide professional support and functional direction to the field. They will be responsible for setting standards and for monitoring the quality of services rendered to clients; they will ensure uniformity of enforcement and assist field personnel with non-routine investigations.

The professional and support services unit will also develop policies and procedures for field operations, in

collaboration with the regional directors. It will include a program development capability aimed at improving the effectiveness and efficiency of the inspectors, as recommended in Chapter II, Section A. These programs will embrace all facets of the inspectors' responsibilities, with particular emphasis on prevention and support to the Internal Responsibility System. Finally, it will coordinate and administer training programs for the operations group.

The program development capability is located in the Executive Director's office to provide services common to all regions, thus avoiding duplication of effort at the regional level. However, as the mining industry has special needs and is served primarily by one regional office, programs for it will be developed locally in Sudbury.

b. Regional Offices

The regional directors will also require support services, both technical and administrative.

It is intended that professional support personnel be located in the regional offices, including nurses, doctors, hygienists, technicians and engineers. Some regions will have unique services which, for reasons of economy and efficiency, should be concentrated in one office. An example is the tunneling specialists in the Construction Branch located in the Scarborough office. A separate study is required to determine how to organize these support services so that specialist skills available in one location can be made available to others; to ensure

that support is provided to inspectors in the local offices within each region; and to coordinate the various disciplines.

A small administrative support unit will also be needed to serve each regional office. It will assist the regional director to prepare regional plans and budgets, coordinate training, maintain files and records, provide information systems and reports, and administer office services.

The establishment of these regional support services will affect the current arrangement in the Ministry whereby most field support services are provided by the Finance and Administration Division, through District Office Administrators. Further study is required to determine how best to mesh the needs of the proposed regional organization with the requirements of other units of the Ministry with field operations, such as the Employment Standards Branch and the Human Rights Commission.

c. Local Offices

The Division operates some 24 local offices across the Province, staffed by inspectors and shared with employees in other divisions and agencies of the Ministry. There are no support staff at the local office level for planning inspection routines, and the resources required to perform clerical activities are limited. The result is that the Manager is required to undertake administrative functions, which detract from his professional responsibilities, and inspectors are brought into the office to do clerical work.

The local offices are too small to warrant resident professional or technical support staff and will normally receive these services from the regional level. However, a small dedicated administrative support unit might help the local manager to plan the work of the inspectors. The precise needs of the local offices under the proposed regional organization should be worked out later.

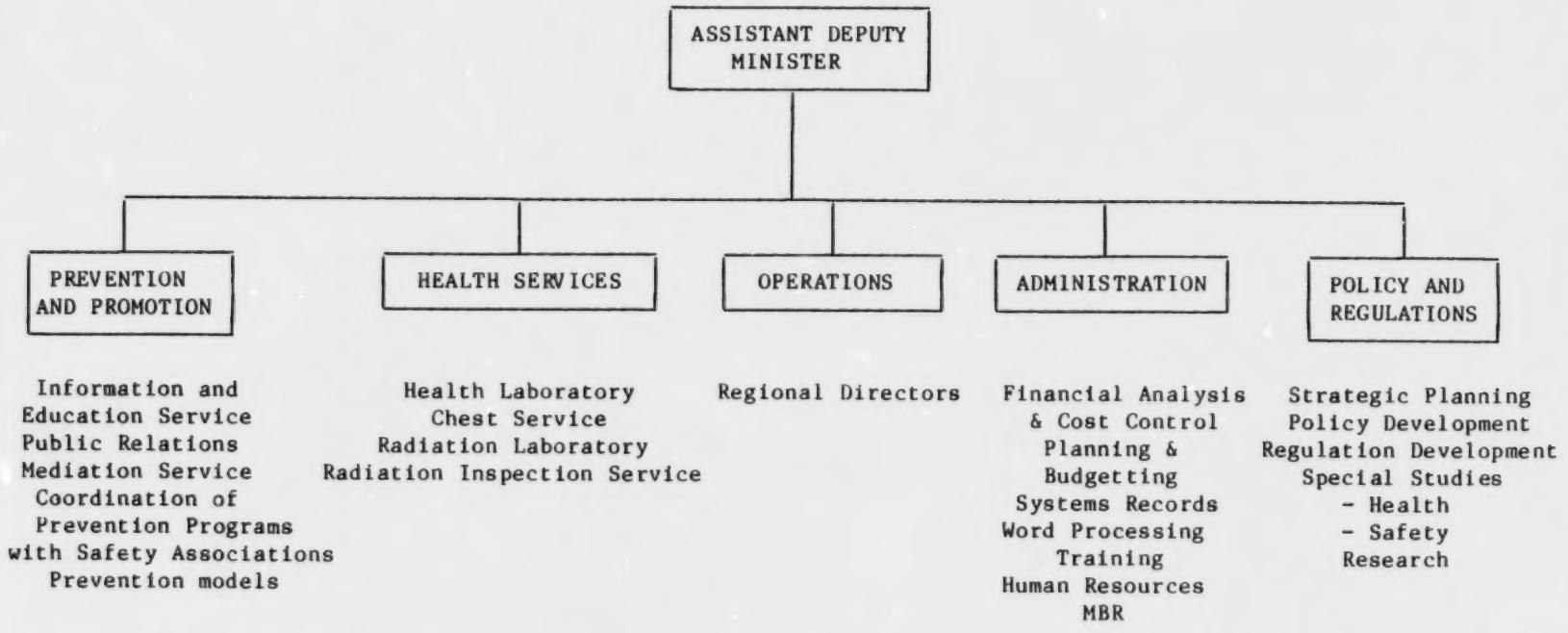
In Chapter IV it is recommended that three grades of inspector be established and that a greater degree of specialization of the inspectorate be introduced. These changes and the need for more teamwork among inspectors, hygienists, technicians and professionals will require better planning of inspections and investigations. This planning will have to be coordinated at the regional level where the specialist staff are located. This, in turn, raises the question whether some rationalization or realignment of local offices would lead to a more effective arrangement. An analysis of the local office structure, including the number of offices, their location and staffing, should be undertaken after the regional structure has been accepted.

The concept of teamwork among inspectors, hygienists, nurses and others, and of specialization by the inspectorate, coordinated at the local and regional levels, can readily be accomplished under the "single window" philosophy. It requires that one person from the Division be designated as the prime contact with each workplace. This person need not be an inspector as currently defined; he or she could be a nurse, a hygienist, or a representative of another discipline. The

EXHIBIT 7

OCCUPATIONAL HEALTH AND SAFETY DIVISION

PROPOSED FUNCTIONAL ORGANIZATION



individual should coordinate all communications with the client and serve as the focal point in the Division's relations with the client in the interests of clear, unambiguous communications.

He or she should have the authority to issue orders and should enjoy the status granted to inspectors under the Act.

To give effect to these proposals for staff resources in the field organization, this study recommends:

R.III.D. - 3: THE OFFICE OF THE EXECUTIVE DIRECTOR, OPERATIONS SHOULD BE SUPPORTED BY AN ADMINISTRATIVE UNIT AND A PROFESSIONAL AND SUPPORT SERVICES UNIT.

R.III.D. - 4: THE REGIONAL OFFICES SHOULD HAVE ADMINISTRATIVE AND TECHNICAL SUPPORT SERVICES.

R.III.D. - 5: FOLLOWING APPROVAL IN PRINCIPLE OF THE REGIONAL ORGANIZATION, A STUDY SHOULD BE UNDERTAKEN TO DETERMINE THE OPTIMUM NUMBER, SIZE AND LOCATION OF LOCAL OFFICES, AND THE SUPPORT SERVICES THEY REQUIRE.

R.III.D. - 6: THE "SINGLE WINDOW" CONCEPT OF SERVICE DELIVERY SHOULD BE RETAINED.

E. THE TOP STRUCTURE

The proposed top organization structure of the Division is shown in Exhibit 7, opposite. It comprises five sections, reporting to the Assistant Deputy Minister. The first, the Operations Branch, led by an Executive Director, has already been described in some detail. The remaining four sections are reviewed below.

1. Health Services Branch

The Health Services Branch would consist of the health laboratory and chest service from the OHB, and the radiation laboratory and radiation protection service from the Special Studies and Services Branch. The two laboratories provide support to the field organization and the two services are centralized in this branch, rather than dispersed to the field, for the reasons already stated.

2. Prevention and Promotion Branch

In Chapter II it was recommended that the Division should place greater emphasis on prevention, recognizing that programs aimed at increasing awareness of the risks of industrial diseases and accidents, and at fostering safe working conditions, are likely to be more cost-effective and humane than programs which provide compensation for injured workers. This stress on prevention is entirely compatible with the philosophy of voluntary compliance since it provides information, advice and support to workers and employers in their quest for safe workplaces.

The establishment of the Prevention and Promotion Branch reporting to the Assistant Deputy Minister is the means for giving formal expression to this intent. It will be the responsibility of the Branch to develop prevention programs to be delivered through the inspectorate, and to promote a safe and healthy work environment through public education, publications, public and media relations and advertising. The Branch will be responsible for monitoring the prevention activities of the Division, for liaison with external organizations with similar objectives, and for coordination. The identification of a separate branch with these responsibilities will raise the profile of prevention in the Division and provide a focus for accountability.

The Branch will comprise the conciliation and mediation service for occupational health and safety which is transferred back to the Division from the Industrial Relations Division and the Information and Analysis Unit, formerly in the Executive Director's office.

The conciliation and mediation service was moved to the Industrial Relations Division, partly to keep it separate from the line branches, thus strengthening its image as in independent service, and partly because sharing resources with the larger staff in the Industrial Relations Division was expected to result is more efficient use of staff. However, the demand for the service by the line branches has not measured up to expectations and the arrangement has not worked satisfactorily. Transferring the service back to the Division and providing the staff with training in occupational health and safety should enhance its use. Accountability for the effectiveness of the service will also be within the Division, which should be advantageous.

The mediation service would have a dual role, expanded to include the hearing of appeals. It would provide a consultative service to help resolve disputes in the workplace, after all attempts by the local joint health and safety committee have failed. It would also be the focus for appeals against decisions of the inspectorate and the Operations Branch, assuming the duties of the former Director of Appeals.

This study foresees a substantially expanded role for the information service, with particular stress on prevention. The position would be the primary point of contact between the Division, the safety associations, the Ontario Federation of Labour, and the Workers' Compensation Board's Occupational

Health and Safety Education Authority. It would also be responsible for media relations, public relations, publications, promotion of safe and healthy work practices, and advertising.

3. Administration

An administrative unit would assume most of the existing responsibilities of the Standards and Programs Branch. It would have the added responsibility of administering the training function, including coordinating training activities in operations and the other branches, developing an overall Division training plan and budget, organizing outside courses and monitoring training activities.

This unit would provide administrative support to the Assistant Deputy Minister and ensure compliance by the Division with government-wide finance and administration policies. It would also administer the human resources function, set recruiting standards for the Division and maintain human resource plans.

The administrative unit should be kept small and should not duplicate the services provided by the Finance and Administration Division. In essence, it should comprise only those administrative functions required within the Division to complement the Finance and Administration Division and to support the Assistant Deputy Minister's office.

4. Policy and Regulations Branch

The focus of the Policy and Regulations Branch should be on longer-term issues and projects of strategic importance to the Division. It would be responsible for:

- strategic planning,
- legislation and regulation development,

- research coordination and administration,
- health studies,
- safety studies, and
- policy development.

It would subsume the resources section of the OHB, the Strategic Policy Unit, the Health and Safety Studies Units in the Special Studies and Services Branch, and part of the Program Development Unit. Any activities within the Program Development Unit relating to the development of field programs would be transferred to the professional and support services unit in the Operations Branch, but regulation development, for example, the designated substance regulations, would remain with the new Policy and Regulations Branch.

The internal organization of the Policy and Regulations Branch will require careful study. It will be an important branch as it will establish the regulatory and policy framework within which the Division functions. Care will be required in defining its role in detail, and in establishing its relationships with the other branches, particularly with the Operations Branch.

To provide the framework for the further analyses that are required, this study recommends that:

R.III.E. - 1: THE DIVISION SHOULD ADOPT A HEAD OFFICE ORGANIZATION STRUCTURE COMPRISING FIVE SECTIONS, REPORTING TO AN ASSISTANT DEPUTY MINISTER, AS SHOWN IN EXHIBIT 7.

R.III.E. - 2: A STUDY SHOULD BE COMMISSIONED TO DEFINE THE INTERNAL ORGANIZATION, WORKING RELATIONSHIPS AND THE ALLOCATION OF RESOURCES WITHIN THE HEAD OFFICE STRUCTURE.

IV. THE INSPECTORATE

The core responsibility of the Occupational Health and Safety Division lies in administering the Act and the derivative regulations which give the agency its authority. This capacity is reflected, to a large extent, by the competence of the inspectorate, and the degree to which it is supported by an effective human resources program. There has been consistent and recurring criticism by the Ontario Public Service Employees Union (OPSEU) that adequate training and professional development are not being provided to support and enhance the inspectorate. At the same time, external client groups, including unions and employers, are questioning the qualifications and competence of the inspectorate in performing their duties.

This study has confirmed that training and development requires improvement. The Division must respond by designing and implementing an effective human resources program for its inspectors. Such a program is dependent upon the adequacy and integration of the following components:

- recruitment standards and qualifications,
- training programs, including orientation and upgrading in technical and functional skills, and
- a career development program, including performance appraisal and promotion practices.

This chapter analyzes the Division's competence in each of these three components of its human resources program, and makes recommendations for improvement.

The inspectorate function is multi-faceted and complex. Inspectors should have adequate technical knowledge in the field of occupational health and safety, a thorough understanding of the Act and its

regulations, and familiarity with legal procedures and practices. They must also possess sound judgment and effective communication and interpersonal skills in order to influence the conduct of workers, union officials and employers with respect to good health and safety practices.

Resolution of conflicts is another important dimension of their job. Their key role is the ability to facilitate the effective functioning of the Internal Responsibility System (IRS) so that all parties understand their rights and fulfill their responsibilities. In summary, the inspector must be respected as the front line representative of the Ministry in all matters relating to occupational health and safety, and the enforcement of the Act.

As outlined, the role is highly demanding in terms of skills and expectations. The Division is, therefore, faced with the challenge of ensuring that effective recruitment policies, training programs and career development plans are implemented to ensure that the inspectorate can perform this multi-faceted and complex function efficiently and effectively.

A. THE CURRENT RECRUITMENT POLICY SHOULD BE REVISED

The present hiring policy states that applicants must have secondary school graduation, or an acceptable equivalent, extensive knowledge of the operation and maintenance of machine guarding regulations, some knowledge of occupational health, and several years of industry experience. These requirements invariably lead to the selection of candidates with limited education, but with extensive experience as tradesmen and supervisors in industry.

The résumés of individual inspectors in the Industrial, Construction and Mining Branches were analyzed to determine an inspectorate profile. The characteristics analyzed include average age, average years of work experience, and educational qualifications.

The average industrial inspector is 47 years old, and has 10.5 years of plant or industrial experience. Fifty percent of the industrial inspectors have either college or university education, while the remainder have secondary school education.

The average construction inspector is 53 years old, and has 13 years of construction experience. Thirty percent of the construction inspectors have post secondary education, while the remainder have secondary school education.

The average mining inspector is 46 years old, and has approximately 14.3 years of mining experience. Forty percent of the mining inspectors have college degrees, primarily in mining or electrical technology.

In general, the typical inspector:

- is approximately 50 years old,
- has 10-15 years of relevant industry experience,
- has a grade 12 education,
- is primarily safety rather than health oriented, and
- changes his job infrequently. (The turnover rate averages about seven years).

This profile may have been well suited to former conditions but, as will be seen, results in problems in coping with the rapidly changing and complex nature of today's environment.

The main advantage of the current recruitment policy is that, with a minimum of training, a person familiar with industrial processes and safety, and industrial relations, can quickly be placed in the field. Prior to 1979, with the emphasis on safety, the hiring policy suited the needs of the workplace. However, since 1979, there have been two major developments. The mandate of the Division

has expanded into the field of occupational health, and the Division has adopted the philosophy of the IRS. These changes have placed increased demands on the inspectorate, yet recruitment policy has not been altered sufficiently to reflect these new requirements. The result is that the inspectors' educational background and previous work experience do not equip the majority of inspectors for the multi-faceted and important task they must now perform.

Since 1979, there has been a dramatic shift towards occupational health concerns and, in particular, toxic and designated substances. This change of emphasis makes it desirable, if not essential, that inspectors have attained post-secondary levels of education, including some familiarity with chemistry, biology and physiology. Most inspectors are generalists, strongly oriented to issues of safety, and feel that they are not adequately trained to address increasingly technical occupational health issues.

To facilitate the effective functioning of the IRS, the inspector must work with senior managers and front line supervisors in the plant, as well as with union officials and workers. However, the limited educational background of inspectors may inhibit their ability to effectively communicate with these people. It may also limit the inspector's ability to convince the parties concerned to adopt the principles of voluntary compliance, as required by IRS, and to implement appropriate health maintenance procedures.

The changing role of the inspector, and the increasing complexity of workplace technology, require a greater emphasis on in-house and external education and training. It also requires an individual who is willing to upgrade skills and who can adapt readily to ever changing circumstances. The limited education and mature age of the current inspectorate could prove to be a serious drawback to the success of development programs aimed at achieving these ends.

Finally, the qualifications required of candidates (industry experience, grade 12 education etc.) are of such a general nature that there is a large number of applications for vacant positions. This presents difficulties during pre-screening and places the interview board in the undesirable position of having to make a selection from a number of candidates with almost identical backgrounds, but not outstanding qualifications. The large volume of applicants suggests that entrance requirements could be made more stringent and still permit all vacancies to be filled.

In Sweden, inspectors, at the time of recruitment, usually have an engineering degree from a technical college or university. Each inspector also specializes in an industry sector, such as chemical, construction, or mining.

In the United States, at the federal Occupational Safety and Health Administration (OSHA), there are separate safety and health inspectorates. Safety inspectors must have college degrees in engineering or science and a minimum of 3-5 years of work experience. OSHA health inspectors have a bachelor's or master's degree in chemistry. Inspectors tend to be young, in their twenties or thirties. Some are hired directly from university, but many have considerable industry experience.

In the United Kingdom, there is an intensive one-year graduate level course, offered by three universities, to train health and safety inspectors. The men and women enrolled in the program must be university graduates. It is considered preferable that their academic backgrounds include science, engineering, agriculture or related disciplines and that they have some industry experience, but the latter is not essential. Graduates apply to become inspectors upon completion of the course.

The academic qualifications required of inspectors in Ontario at the time of recruitment are lower than in the foregoing jurisdictions. However, in comparison to the other Canadian provinces, the Ontario inspectors have similar qualifications.

Due to the expanded role and mandate of the inspectorate function it is recommended that:

R.IV.A. - 1: RECRUITMENT POLICIES SHOULD BE AMENDED TO REFLECT THE CURRENT DEMANDS OF THE INSPECTOR'S JOB, INCLUDING A REQUIREMENT THAT CANDIDATES HAVE A DEGREE IN ENGINEERING OR SCIENCE FROM A RECOGNIZED UNIVERSITY, OR EQUIVALENT.

B. THE ORGANIZATION OF THE TRAINING FUNCTION SHOULD BE INTEGRATED

Given the multi-faceted and complex nature of the task, a high level of sustained training is essential for the performance and morale of inspectors in the field. This section analyzes the Division's response to training needs and identifies opportunities for improvement.

The responsibility for providing training to inspectors is shared, within both the Division and the Ministry of Labour.

- Branch-specific training, such as technical training and training in new policies and procedures, is the direct responsibility of the Industrial, Mining and Construction Branches.

- Orientation and upgrading training in such subjects as the Act and its regulations is coordinated and developed by a training unit, with instructors and support from an audio-visual unit. Training initiatives common to all three line branches, such as in designated substance regulations, are also provided by the central training unit. The training unit was formerly located in the Standards and Programs Branch, but now reports to the Program Development Unit Manager.

- Corporate level training, covering such subjects as management skills and communications, is provided by the Human Resources Branch in the Finance and Administration Division. This Branch also serves to ensure that all Divisions within the Ministry of Labour have appropriate divisional training programs in place.

Although there are good reasons for the three line branches to have responsibility for a particular aspect of training, the efforts of the three branches are not adequately coordinated, and overall accountability for the training function is fragmented. There is no single position with responsibility for:

- identifying and coordinating individual and branch training needs and objectives,

- developing a comprehensive annual plan detailing training initiatives and program components, and

- ensuring that adequate procedures and resources are in place to deliver the training program.

Because training policies are not adequately co-ordinated and have not been formalized, the level of training varies between branches. The Mining Branch is well organized and committed to the function in terms of resources and programs. The 40 self-learning modules on health and safety issues were developed on a tripartite basis with participation of industry and labour, as a response to a request from USWA that worker inspectors at the uranium mines in Elliot Lake receive the same training as mining branch inspectors. The program is distributed by MAPAO to mining establishments in Ontario.

In addition to the self-learning modules, the Mining Branch's budget provides approximately ten days of external training for each

inspector each year. The budget covers both travel and accommodation while attending conferences and seminars. The Branch also has its own training coordinator, and an area engineer has been delegated with the responsibility to monitor the individual training needs of inspectors and to develop the requisite training program. The Branch Director has assumed overall responsibility for training and treats it as a priority; he ensures that adequate resources are in place to deliver the program.

The other line branches, Industrial and Construction, have neither the manpower nor resources to meet their training requirements.

This inadequacy in training is particularly acute in the Industrial Branch. Training is essential in this branch, given the variety and complex nature of establishments which fall under its jurisdiction. Because of the lack of time and resources, only selected inspectors in the Industrial Branch have received training in essential subjects such as machine guarding, prosecution skills, the use of respirators, etc., whereas all mining inspectors are able to attend specialized upgrading courses and seminars. The inspectors in the Industrial Branch generally receive only 3-5 days of upgrading training per year, comprising mainly Civil Service Commission courses.

Unlike the Mining branch, neither the Industrial nor Construction Branches have internal branch training coordinators. These branches receive support from the Division's training unit. The lines of authority and responsibility for decision making are unclear between the training unit and the two line branches. Difficulties and delays have been experienced in reaching consensus on the content and delivery of new training initiatives.

To provide adequate training for inspectors, it is recommended that:

R.IV.B. - 1: THE TRAINING UNIT AND THE HUMAN RESOURCES BRANCH SHOULD CONTINUE TO DELIVER TRAINING PROGRAMS. HOWEVER, DIRECT RESPONSIBILITY AND ACCOUNTABILITY FOR TRAINING SHOULD REST WITH EACH LINE BRANCH DIRECTOR. ADDITIONAL RESOURCES SHOULD BE MADE AVAILABLE TO THE INDUSTRIAL AND CONSTRUCTION BRANCHES TO SUPPORT THE DEVELOPMENT AND DELIVERY OF TRAINING PROGRAMS. AS A PRIORITY, FORMAL TRAINING PROGRAMS SHOULD BE DEVELOPED AND PROVIDED IN THESE BRANCHES ON A CONTINUING BASIS.

C. THE CONTENT AND DELIVERY OF TRAINING PROGRAMS REQUIRE IMPROVEMENT

The current training program consists of two components, namely: orientation for new employees, and upgrading training for existing inspectors.

The orientation segment varies in length from 6-8 weeks for construction, 9-12 weeks for industrial, and 12-14 weeks for mining inspectors. One-half of the program is formal classroom training on the Act and its regulations, and on operating policies and procedures. The remainder is on-the-job training. There are two improvements needed in this orientation program.

First, a test should be administered to ensure that the training material is understood. The Occupational Health Branch has successfully implemented a multiple choice test for newly hired personnel. Interestingly, the results revealed that the lowest scores were achieved on the portion dealing with the Act and its regulations. This section is delivered by the training unit which trains all newly hired inspectors. Testing is a good measure, not only of the competence of the student, but of the effectiveness of the training activity and the instructor. Results may be used to identify individual and group needs, and should lead to the modification of current approaches or the delivery of new programs to address these needs.

Second, there should be formalized and consistent procedures for initial on-the-job training. Current practices vary among field offices. The manager of the field office often assigns the new employee to any inspector who happens to be available. Frequently, inspectors providing this training to new employees have been ill-trained themselves, are reluctant to train, or lack the requisite skills as trainers. Some newly hired inspectors have also been placed in the field without any on-the-job training.

There are also improvements needed in upgrading training. Firstly, there is no requirement for inspectors to complete certain essential core courses and attain professional skills and standards. The courses which are given often do not have explanatory or reference materials, and refresher courses are not offered. In general, upgrading training is voluntary and is offered sporadically.

Secondly, in comparison to certain other jurisdictions, the Division has fewer resources to commit to sustained training. In Sweden, the United Kingdom and the U.S. Occupational Health and Safety Authority, (OHSA) between 7% and 10% of the inspector's working time, or 8-15 working days per year, is budgeted for sustained training. In Ontario, the Mining Branch allocates 10 days for training, whereas the Construction and Industrial Branches allow 5 days in the inspector's work schedule for formal training. The actual amount of training received by the inspectors in the latter two branches varies between three and five days.

Thirdly, the increased emphasis on occupational health and designated substances requires training programs in occupational health for inspectors who are now primarily safety oriented by virtue of their background. At most, half of the current inspectors have received basic training in occupational health. The existing courses are dated; they were first delivered in 1976-77 and early 1978 to inspectors then on staff. They have not been revised.

Those hired since 1979 have not received training in the fundamentals of occupational health. This deficiency has been recognized by the Division. After two years of development, a program has been designed and is expected to be implemented in 1986-87. It will require three weeks of classroom training. It is expected that one-half of the inspectorate will complete the course this year, and the remainder next year.

Finally, it is generally recognized that the content and quality of the audio-visual component of the designated substance training program has improved. However, most inspectors interviewed still believe that they are not adequately prepared to enforce these special regulations. The reference material on designated substances is voluminous and complex, and does not adequately focus on hazard identification which is the essence of the inspection function. Instructors sent to the field to explain the new regulations to inspectors have been criticized as being either unknowledgeable or too technical, and therefore unable to address the specific concerns of the lay inspectorate.

The content and delivery of current training programs requires improvement and it is recommended that:

R.IV.C. - 1: THE INITIAL ON-THE-JOB TRAINING PROGRAM FOR INSPECTORS SHOULD BE FORMALIZED; CORE COURSES SHOULD BE DEVELOPED WITH MANDATORY TESTING. TRAINING PROGRAMS IN OCCUPATIONAL HEALTH AND IMPROVED TRAINING IN THE HANDLING OF TOXIC SUBSTANCES SHOULD BE IMPLEMENTED. AS A POLICY, THE DIVISION SHOULD ALLOCATE 10-15 DAYS ANNUALLY FOR EACH INSPECTOR FOR UPGRADING TRAINING AND PROFESSIONAL DEVELOPMENT. DIVISION PLANS AND BUDGETS SHOULD EXPLICITLY PROVIDE FOR THESE TRAINING AND PROFESSIONAL DEVELOPMENT PROGRAMS. AN ANNUAL REPORT SHOULD BE PROVIDED TO THE DEPUTY MINISTER ON THE STATUS AND LEVEL OF TRAINING PROVIDED TO INSPECTORS.

D. THE DIVISION HAS ATTEMPTED TO IMPROVE ITS TRAINING PROGRAMS

The Division has recognized that improvements are needed to existing training programs, especially with respect to occupational health. An internal committee was established in October, 1984, to review the training programs and to make recommendations for improvement. The report of the Committee was delivered in November, 1985, and the main recommendations were that:

1. The priority subjects for Division training be:

   - the Act and its regulations (both in terms of orientation and detail),
   - fundamentals of occupational health, and
   - Division policies and procedures.

2. Training be delivered to all new employees, and that existing staff be given sufficient refresher training to ensure a minimum level of competence.

3. Suitable facilities be obtained to be used on a permanent basis for training staff, and that a training manual be developed to provide continuity and consistency of program delivery.

4. Each branch be responsible for the development of a training plan for its staff, and for reporting annually on the training delivered.

5. A training unit be responsible for coordinating the training performed by the individual branches, utilizing, where appropriate, branch personnel.

A Curriculum Committee was subsequently established with a chairperson from the Human Resources Branch and representatives from Division Head Office, plus two inspectors. In June, 1986, the Committee's report described core courses for inspectors to ensure a common foundation of skills and knowledge. The recommendations affect both newly hired and current inspectors. For newly hired inspectors, Division Core Level 1 courses are proposed, which must be completed by all new inspectors before they are permitted to conduct unaccompanied inspections in the field. The Level 2 courses represent basic training which must be completed by all new inspectors during their first two years of employment.

The core courses will represent a template, or profile, that current inspectors can use, in conjunction with their supervisors and the branch training coordinators, to identify personal training needs and action.

The Committee's work represents an important advance in improving the training of inspectors. However, a more comprehensive program is required with significantly more resources to achieve effective program delivery. This recommendation will be described in Section F of this Chapter.

E. A CAREER DEVELOPMENT PROGRAM IS REQUIRED

To attract and retain qualified and dedicated inspectors, a career development program is required. This would involve the annual appraisal of inspectors' performance, and the availability of professional development and promotion opportunities. Performance appraisals are useful when conducted regularly and in a constructive manner. Each manager should make an annual performance appraisal of his/her subordinate inspectors to assess individual strengths and weaknesses, and to identify their training needs to enhance individual professional development.

The Ministry has a well defined performance appraisal process. However, focus groups and individual interviews with managers and inspectors revealed that the process is not universally used or consistently applied. Some inspectors reported receiving detailed annual performance appraisals; others have had only informal interviews with their managers concerning their job performance. For still others, performance appraisal has been a one-time occurrence.

Consistently favourable performance reviews should result in either merit pay, or promotion, or both. Career progression within each branch is now limited and the salary range is narrow. In the Mining Branch, there is no opportunity for promotion to a supervisory level unless the inspector has an engineering degree. In the Construction Branch, there is one level of promotion to supervisor, and in the Industrial Branch, there are two levels, the second being area administrator.

There is a narrow salary range for inspectors, with the maximum level being achieved within two years (approximately $34,000), with cost of living adjustments thereafter. There is little monetary incentive to be promoted to a supervisory level as the salary differential is minimal.

The majority of inspectors interviewed do not have aspirations to become managers, and perceive the selection process to be unfair. There seems to be little enthusiasm to assume managerial responsibilities because the position is seen to be unrewarding and bureaucratic. Furthermore, there is also a perception that the selection process is not based on objective criteria.

To attract and retain qualified and dedicated inspectors, it is recommended that:

R.IV.E. - 1: A CAREER DEVELOPMENT PROGRAM SHOULD BE IMPLEMENTED. THE PROGRAM SHOULD PROVIDE FOR FORMALIZED PERFORMANCE APPRAISALS TO BE CONDUCTED AT LEAST ANNUALLY BY FIELD OFFICE MANAGERS. PROMOTIONS TO THE MANAGER LEVEL SHOULD BE BASED ON OBJECTIVE CRITERIA WHICH SHOULD BE DESCRIBED AND COMMUNICATED TO ALL INSPECTORS.

F. A CERTIFICATION PROGRAM FOR INSPECTORS SHOULD BE INTRODUCED

Despite the Division's recent training initiatives, a comprehensive human resources program which integrates recruitment policies, training programs and career development plans has not been developed.

It is recommended that a standardized program of training and promotion be implemented and that there be certification at three levels. The benefits would be the acknowledgement of an appropriate and adequate level of competence at each level. It would also help to ensure that promotion practices are equitable and based on objective criteria.

The three levels of certification proposed are as follows:

Level I - Junior Inspector,
Level II - Inspector,
Level III - Senior Inspector.

The inspector at Level I would undergo both orientation and basic training as part of an apprenticeship program. The orientation program would be completed by all new inspectors before they are permitted to conduct unaccompanied inspections in the field. Following this, during the first two years of employment, core courses which represent basic training would be completed. Mandatory tests should be administered for certification at this level.

At Level II, the core courses defined in Level I should be used as a template by the current inspectorate, and their respective managers, to identify personal training needs and action. At this level, inspectors would continue to conduct inspections and call in the specialists, as required. Additional courses, addressing topics such as investigations, prosecutions and mediation would have to be completed for advancement to Level III. Most of the current inspectorate would be absorbed in Level II, with the more skilled and knowledgeable promoted to Level III.

Level III inspectors would be the most senior and experienced. They would be responsible for investigations of fatalities and accidents, and inspecting particularly troublesome establishments. Certain inspectors at this level should also be assigned the responsibility to provide initial on-the-job training for new inspectors.

Candidates for managerial positions should be considered only from among those at level III. Objective criteria should be established, for example field experience, years of service, skills and knowledge, as well as inter-personnel (management) skills, such as those demonstrated in the hiring of new recruits.

An important aspect of this recommendation is the implementation of continuous education and training. This should include a predetermined minimum number of required days of training each year. Written and oral examinations should be part of the evaluation process. As well, a systematic skills evaluation procedure should be included as part of an annual performance appraisal.

It is expected that, with career advancement and opportunities for professional growth, qualified candidates can be attracted for inspector and manager positions. The benefits of the certification program are that an appropriate and adequate level of competence can be acknowledged at each level, and that promotion practices will be equitable and based on objective criteria.

Essentially, this training program should be the responsibility of the Executive Director of the Operations Branch. However, input from the field is essential. Each field office manager should conduct a formal performance appraisal of his or her staff and identify individual training needs. This information should then be summarized on a regional basis and consolidated in an annual training plan. This plan would detail training initiatives, program components and delivery dates. The essence of this systematized approach is that the needs are identified at the inspectorate level, while delivery and accountability for training rest with senior managers in the Operations Branch.

A centralized resource, such as the training unit, should continue to be responsible for coordinating the delivery of training programs common to all branches. However, where capabilities do not exist within the Division for particular aspects of curriculum content and instruction, they should be contracted to either a community college or university with expertise in occupational health and safety. Qualified instructors, sensitive to the requirements of adult education in health and safety, are required to ensure the program's success.

Finally, in order to attract better qualified individuals to the inspectorate, and provide them with sustained training and opportunities for career progression, the Division requires significantly more financial resources. Personnel should be provided to coordinate training needs, and qualified instructors are necessary to deliver the courses. More inspectors are also required to relieve those who are absent on training programs. It is recommended that:

R.IV.F. - 1: THREE LEVELS OF INSPECTOR SHOULD BE ESTABLISHED AND A COMPREHENSIVE TRAINING AND PROFESSIONAL DEVELOPMENT PROGRAM SHOULD BE IMPLEMENTED. PROMOTIONS SHOULD BE CONSIDERED ONLY AFTER

CERTIFICATION AT EACH LEVEL. A MANPOWER INVENTORY OF INSPECTORS AND MANAGERS SHOULD BE MADE TO ASSESS SKILLS AND TO IDENTIFY TRAINING REQUIREMENTS. A CENTRALIZED RESOURCE SHOULD CONTINUE TO COORDINATE THE DELIVERY OF TRAINING PROGRAMS COMMON TO ALL BRANCHES. HOWEVER, WHEN CAPABILITIES DO NOT EXIST WITHIN THE MINISTRY, CURRICULUM CONTENT AND INSTRUCTION SHOULD BE CONTRACTED OUT. FINALLY, SIGNIFICANTLY MORE FINANCIAL RESOURCES SHOULD BE PROVIDED TO IMPLEMENT A COMPREHENSIVE HUMAN RESOURCES PROGRAM FOR THE INSPECTORATE.

V. CLIENT PROGRAMS

This chapter describes a number of programs by which the Division serves its clients and enforces the Act. It comprises two sections: the first, Section A, deals with compliance programs, other than those related to toxic substances, which, because of their complexity and importance, are discussed separately in Section B.

A. COMPLIANCE PROGRAMS

The most obvious role of the Division is auditing and promoting employer and worker compliance with the law. The Division's compliance programs include the routine inspection of workplaces; investigating complaints, accidents, work refusals and fatalities; issuing orders for compliance; initiating prosecutions; hearing appeals; and conducting pre-development reviews. The effectiveness of the Division's compliance programs is analyzed and improvements are recommended.

1. Routine Inspections are an Essential Function and Maintain The Division's Presence in the Workplace

A fundamental dimension of the effectiveness of the Division is its presence in the workplace. This presence is required both to raise the level of awareness of the importance of health and safety and to enforce the Act and its regulations. The Division has established a program of cyclical inspections designed to provide this presence. However, with limited resources, presence must be directed where it is most required. As well, presence should not be so frequent that it undermines the philosophy of the Internal Responsibility System (IRS) by conveying the impression that total reliance can be placed on the inspectorate. The Division's policies and procedures for scheduling and conducting inspections are, therefore, of major significance.

The inspectors are the front line representatives of the Division. Their function is to assess the workings of the IRS, to provide counsel and advice to the joint health and safety committee, and to encourage compliance with the Act. This proactive inspection role, while consistent with the role of the Division, is not mandated by statute.

There are three line branches in the Division which have direct responsibility for regulating establishments through routine inspections: the Industrial, Construction and Mining Branches. Each has its own inspectorate located in field offices across the Province. Inspections for each branch are conducted as prescribed in the branch operations manuals. The inspector arrives unannounced, contacts the employer and worker representatives on the joint health and safety committee, or the safety representative in the case of a construction site; he then reviews recent minutes of joint health and safety committee meetings, and checks to determine whether steps have been taken to correct problems identified by the committee. He inspects the site for contraventions of the legislation and attempts to resolve any problems through consultation and advice. If required, he issues orders or tickets*, and checks to ensure that there has been compliance with orders issued on previous visits.

Engineers are assigned to each of the line branches to review complex technical conditions, while specialists from the Occupational Health Branch, including hygienists, nurses and medical doctors, are requested to visit the company to take air samples, and provide advice to the various parties through a report to the inspector, on health related matters, such as

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* a "ticket" is a charge laid for minor offences under Part I of the Provincial Offences Act. It is used only in the Construction Branch.

toxic and designated substances. The inspector is then responsible for issuing orders and for monitoring compliance. The use of specialists requires coordination and teamwork to function effectively.

Except for the Mining Branch in Northern Ontario, the Division has adopted a "single window" approach in organizing the inspection function, under which one inspector is assigned responsibility for coordinating all contacts with a workplace establishment. The inspector possesses generalist skills in the field of occupational health and safety, with primary emphasis on the ability to identify potential hazards and to detect violations of standards. When the generalist inspector requires support to investigate hazards, and in particular health hazards, assistance is provided by the staff branches. The main benefit of the single window is that there is a single point of contact between the Division and the client, thus minimizing interference in the workplace. The main disadvantage is that the inspector, who may have little technical knowledge of health hazards, is called upon to issue orders related thereto, and to monitor compliance.

The Mining Branch is the exception to the single window approach. The Mining inspectorate is segregated into three groups, each with its own responsibilities in the workplace: the mining inspectors for safety; the electrical and mechanical engineers for engineering systems; and the working environment inspectors for air quality and health. Each group is responsible for its area of specialization and makes contact with clients independently. Because these inspectors have more specialized capabilities, there is less reliance on staff support services. The different approach in the Mining Branch results partly from a larger number of regulations to enforce

(e.g. underground electrical systems) and partly from a tradition originating prior to the Branch being absorbed into the Ministry of Labour.

The simplest measure of presence is the number of inspections. However, given the enormity of the task to inspect every workplace in the Province, and due to limited resources, 'presence' must be directed where it is most required. The Industrial, Mining and Construction Branches have, therefore, adopted various procedures to establish priorities for inspection visits.

For industrial establishments, each newly identified workplace is assessed to determine the frequency of inspections required. This analysis includes the type of industry, as determined by the Standard Industrial Classification code, a review of the Workers' Compensation Board claims history for the establishment, and the level of risk, as judged by the inspectors. Once a cycle is determined, thus setting the frequency of inspections, it may be adjusted by the inspector in consultation with his manager, based on the performance of the establishment.

A cycle 99 designation is used for workplaces which traditionally experience low occupational health and safety risks. Examples of such workplaces might be a school without shop facilities, or a small retailer. Cycle 99 establishments are not routinely inspected, but an inspection is conducted in the event of a complaint, a serious accident, a fatality or a work refusal.

The Construction Branch inspectors set the inspection cycles for projects in their territories, based on their appraisal of

the complexities and risks at each site. The guideline is to inspect major projects every three weeks.

In the Mining Branch, all mines are visited on a six-month cycle, or more often, and are more frequently inspected during development or major construction phases. Pits and quarries are only inspected during periods of activity and are assigned cycles based on appraised risk. The following table provides statistics on the number of inspections conducted annually by each Branch between 1981 and 1986.

TABLE 2

NUMBER OF INSPECTIONS (1981 - 1986)

INDUSTRIAL BRANCH	1981/82	1982/83	1983/84	1984/85	1985/86
No. of Industrial Establishments Registered	68,849	71,201	72,230	68,186	65,732
No. of Inspections	48,859	46,480	38,014	40,445	41,628
CONSTRUCTION BRANCH					
No. of Construction Projects	10,801	9,224	10,727	15,836	16,850
No. of Inspections	64,512	60,993	61,954	55,726	46,552
MINING BRANCH					
No. of Mining Establishments	6,020	6,188	6,362	6,658	6,842
No. of Inspections	6,940	5,673	5,210	4,930	5,111

2. Routine Inspections Have Decreased Since 1981

As Table 2 indicates, although the number of projects and establishments registered by the Division has increased, the number of routine inspections conducted by each branch has decreased since 1981. A combination of factors has contributed

to this decline. First, the Division has experienced reduced inspectorate resources since 1981. (See Table 3, below.) Second, inspections have become more complex and, therefore, more time consuming. Third, the number of complaint investigations has increased dramatically since 1981.

TABLE 3

NUMBER OF INSPECTORS ON STAFF IN EACH BRANCH

	1981/82	1982/83	1983/84	1984/85	1985/86	1986/87*
Industrial	125	122	120	126	113	112
Construction	88	77	74	69	66	69
Mining	27	29	27	25	27	26
Total Inspectorate	240	228	221	220	206	207

Source: Human Resources Branch.

* as of December 1, 1986.

Table 3 illustrates the decline in the number of inspectors in each branch. In 1981, there were 240 inspectors to cover the combined jurisdictions of the Industrial, Construction and Mining Branches. Immediately thereafter, the Division was affected by an overall government restraint program and hiring constraints; many positions that became vacant were not filled despite a number of requests by the Division for increases. By the end of 1985, the complement for the three branches had declined to 206, although a staff increase of 29 inspectors has been approved for 1986/87.

The current inspectorate is operating under the dual pressure of reduced inspectorate resources and increased workload. Prior to 1980, the inspectorate function was less complex and involved mainly the identification of safety hazards. With the introduction of the Act in 1979 came the adoption of the IRS as the underlying philosophy of the Division, and an enlarged

mandate in the field of occupational health. These two factors have expanded the inspection function to include the role of facilitator and auditor of the IRS, and the identification and monitoring of health hazards. The overall effect is that each inspection demands more time and specialized skill than was previously required and, therefore, fewer inspections can be made by each inspector.

Furthermore, the new orders policy announced by the Minister in November, 1985, has increased the number of follow-up visits to be made by the inspectors to ensure compliance with orders, and has resulted in increased time spent by inspectors on prosecutions.

Another factor contributing to the decline of inspections is the dramatic rise in the number of complaints, particularly in the Industrial Branch. In 1981/82, the Branch received 98 complaints, whereas in 1985/86 the number had risen to 1,525. Notably, 80 percent of these complaints were health-related. Policy requires that each complaint be investigated and, because the Division regards the prompt investigation and settlement of complaints as a matter of first priority, routine inspections have suffered.

The decline in inspectorate resources, the more complex and time consuming nature of the inspection function, and the priority accorded to complaint investigations have resulted in a backlog of cyclical inspections. Each branch has had to respond to these pressures.

The problem is most acute in the Industrial Branch where there is a backlog of 8,000 inspections. The response of the Branch has been to systematically reduce the number of cyclical inspections. Within the last year, in particular, the Division has instructed the inspectorate to identify low risk locations

and to convert those on long cycles (i.e. 24 month or 36 month) to Cycle 99 status. This means that these establishments are no longer inspected unless there is an accident or a complaint. The number of registered employers on Cycle 99 has increased from 15,327 in 1984-85 to 23,946 in 1985-86, a 36 percent rise in one year.

The decision to reclassify on Cycle 99 is made by the inspector and is supposed to be based on a review of the company's health and safety record and Workers' Compensation claims. The inspector's recommendation to reclassify must then be reviewed and approved by the regional manager. Although policy calls for a complete file review of an establishment, the majority of the inspectors interviewed during this study stated that, due to time constraints, this is rarely done. Most establishments are reclassified at the inspector's discretion.

The number of inspectors on staff in the Construction Branch decreased from 88 in 1981 to a low of 66 in the summer of 1986. This has occurred at a time when there has been an increase in construction activity, particularly in Southern Ontario, with the requirement that more sites be inspected. To cope with these pressures, the Branch has reduced its service level by scheduling inspection visits less frequently. The average cycle of inspections on major construction sites has declined from once every three weeks in 1981 to every 12 weeks or more in 1986.

There has not been a similar problem in the Mining Branch since the level of activity has not increased appreciably and inspectorate resources have remained relatively constant since 1981.

The increase in the number of Cycle 99 workplaces in the Industrial Branch, and the reduction of the service level in the Construction Branch, were reasonable responses by these branches to the limited and reduced inspectorate resources available. However, the negative impact of these actions has been the reduced presence of the Division in the workplaces of Ontario.

The most obvious solution to overcome the decline in the frequency of inspections is to increase the number of inspectors. This has been the demand not only of the inspectorate, but also of OPSEU and the Minister of Labour. The case for an increase in the complement of the Construction and Industrial Branches is compelling and is recommended by this study. However, it is not possible at this time to determine what the long-term total strength of these branches should be. A number of recommendations are being made which will affect the productivity of inspectors: a regional organization with increased field support services; the integration of the field staff of the OHB with the line branches; and an on-line information system, all of which will lead to efficiencies in the inspectorate. Only when the effects of these changes are known will it be possible to establish the appropriate size of the inspectorate.

Sufficient information is not available to enable the branches to specify appropriate inspection cycles. The effectiveness of various cycle frequencies in preventing accidents in each of the client groups is unknown. Criteria are available for setting the initial frequencies, but they were developed without the benefit of definitive research on effectiveness. Factors to be considered when setting inspection cycles include the cost of inspections, and the impact of inspection frequency

on accident rates, on the detection of health hazards, and on the functioning of the IRS.

OHB response time to requests for assistance from the line branches is excessive, suggesting that the OHB would also benefit from a larger complement of hygienists and professional staff. Moreover, health-related issues are the major concern and these are predominantly the responsibility of the OHB. Thus, when considering increased resources for the Division, the needs of the OHB must be weighed, along with those of the Construction and Industrial Branches.

This study, therefore, makes the following recommendations, one to relieve the obvious and immediate pressures on the Construction and Industrial Branches; a second to develop appropriate cycle standards; and a third to establish an appropriate long-term complement for all field units.

R.V.A. - 1: THE COMPLEMENT OF INSPECTORS IN THE CONSTRUCTION AND INDUSTRIAL BRANCHES SHOULD, AS A MINIMUM, BE RESTORED IMMEDIATELY TO THE LEVELS PREVAILING IN 1981 (I.E., 88 AND 125, RESPECTIVELY).

While these levels are admittedly arbitrary, the increases in activity since 1981, the decline in the frequency of inspections since then, and the current backlog all justify the recommended increases.

R.V.A. - 2: A STUDY OF THE EFFECTIVENESS OF CYCLICAL INSPECTIONS SHOULD BE CONDUCTED TO ESTABLISH DESIRABLE FREQUENCIES.

Previous studies cited by Ham have been inconclusive, but more recent experience may provide a database which can be used to establish appropriate inspection cycles.

R.V.A. - 3: FOLLOWING THE ESTABLISHMENT OF A REGIONAL ORGANIZATION FOR THE DELIVERY OF FIELD SERVICES AND THE COMPLETION OF THE STUDY RECOMMENDED IN R.V.A. - 2, REGIONAL DIRECTORS SHOULD BE INSTRUCTED TO ANALYZE THE STAFFING NEEDS OF THEIR REGIONS FOR INSPECTORS, HYGIENISTS, TECHNICIANS, DOCTORS, NURSES AND ENGINEERS. THE DETERMINATION OF STAFFING LEVELS SHOULD BE BASED UPON SERVICE LEVEL POLICIES AND STANDARDS LAID DOWN CENTRALLY.

3. The Branches Require an Enhanced Analytic Capability

To properly manage the resources of the line branches, it is necessary to be able to identify the client sites which are high risk, as represented by safety performance and health problems. The inspectors must be monitored to ensure that their time is being appropriately used in the performance of their duties, and the quality of their work must be controlled to ensure consistency of application of the Act and its regulations. Finally, trends in accident experience must be monitored to identify growing or emerging problems by region or client group.

The general rule followed in scheduling inspections in most jurisdictions is "the worst first" and "the best never". In the United States, mathematically based formulae are used, as far as possible, to establish priorities for attention among classes of establishments. Scheduled inspections of general industrial establishments are determined, not on raw data on frequencies of occupational injury in each industrial sector, using a Standard Industrial Classification (SIC), as in Ontario, but on lost workday injury rates. Each establishment is analyzed and ranked individually, instead of on an industry

wide basis. The determination of lost workday injury rates in the U.S. requires the Occupational Safety and Health Authority (OSHA) to acquire and analyze detailed accident records from industry. Those establishments with the worst injury rates are monitored and inspected more closely than those with fewer injuries and accidents.

The Division currently lacks the structure or resources to adequately perform similar analyses. Within the current organization and procedures, identification of sites to be inspected is done monthly by computer, while scheduling of individual visits is at the discretion of the individual inspector.

In Ontario, there is a computerized system in place which provides monthly reports on outstanding cyclical inspections, designated substance inspections, special action requests, status of orders, and routine inspections. These data are prepared by the Standards and Programs Branch at head office and sent to the field. Each field office manager reviews the report and assigns inspections to the appropriate inspector. However, unlike the United States, the data on routine inspections do not prescribe or set priorities for inspection visits on a "worst first" basis. The inspectors interviewed during this study stated that, in the majority of circumstances, the scheduling of the inspection work load is done at the individual inspector's discretion, based on generic priorities which do not consider the handling of backlogs. Furthermore, any planning which the inspector undertakes is often disrupted by the need to respond to complaints and/or undertake other investigations, or to supply information requested by Head Office.

Managers do not have the analytic capability to monitor the performance of individual inspectors against performance standards. (The exception is the Occupational Health Branch which uses a computerized system (MESU) to track the performance of Occupational Health Branch personnel.) Therefore, managers can not identify good or poor performers in terms of productivity. Furthermore, they currently have no established productivity targets against which to measure individuals, or groups of inspectors.

The performance of inspectors should also be monitored to ensure that the Act and its regulations are consistently interpreted and enforced. Interviews with inspectors across the Province revealed that certain regulations are being interpreted and applied differently in the regions. Over a period of time there should be a pattern to the number of orders issued under each regulation or section of the Act. Likewise, with due consideration for differences in client composition, the pattern of order writing should be consistent from region to region. Also, changes in policy will often result in changes in such patterns. By analyzing these patterns, the Division can identify inconsistencies, and thus act to identify reasons, or to change behaviour to conform to policy.

In summary, the Division lacks the analytical capability to identify problem establishments and to target inspection visits; to monitor the performance and productivity of inspectors; or to monitor the quality of inspections being conducted to ensure that they are being consistently performed throughout the Province. These shortcomings lead to a recommendation that:

R.V.A. - 4: THE REGIONS SHOULD BE PROVIDED WITH THE CAPABILITY TO ANALYZE ACCIDENT AND INJURY TRENDS FOR EACH WORKPLACE, TO IDENTIFY PROBLEMATIC ESTABLISHMENTS, AND TO SCHEDULE AND TARGET INSPECTION VISITS. CONTROL STANDARDS SHOULD BE DEVELOPED TO MONITOR INDIVIDUAL INSPECTOR WORKLOADS AND PERFORMANCE.

4. An Increased Health Presence Is Required in the Workplace

With the increasing use and awareness of toxic substances, the emphasis has shifted from concern for occupational safety to occupational health. In the Industrial Branch, complaints have risen from 95 in 1981 to over 1,500 in 1985, 80 percent of which are health-related.

The Division has responded to this trend by adding staff hygienists, nurses and medical doctors to the Occupational Health Branch (OHB) to assist the general inspector. However, a sustained health-focused presence, particularly in the Industrial Branch, is lacking.

One of the shortcomings of the current inspection process is that the activities of the OHB and the line branches are not well-coordinated. The relationship between the field staff of the OHB and the inspectors requires strengthening. The most immediate concern is that, except in life threatening situations, the average time taken for the OHB to respond to a request from an inspector is 3-4 months. This is largely due to the limited staff in the OHB, but the situation would be improved by a change in organization. OHB staff, although based in the field, report through their local supervisors to their branch director in Toronto, whereas inspectors report throug. their local line branch office manager and regional administrator to their Director in Head Office. Because the two groups report to two different locations and two different

branches, coordination is difficult. All of the resources needed to undertake inspections are not under the control of line branch field managers. Accordingly, it is recommended that:

R.V.A. - 5: THE OCCUPATIONAL HEALTH BRANCH FIELD STAFF SHOULD BE TRANSFERRED TO THE REGIONAL OFFICES AND SHOULD REPORT TO THE REGIONAL DIRECTORS FOR ASSIGNMENT OF INSPECTIONS. THEY SHOULD CONTINUE TO RECEIVE TECHNICAL SUPPORT AND FUNCTIONAL DIRECTION FROM HEAD OFFICE. (SEE ALSO RECOMMENDATION R.III.D. - 1.)

The quality of health service should also be improved. The 'single window' approach results in the generalist inspector receiving advice from the OHB specialist which he must interpret, transmit to the client, write orders against and monitor for compliance. When the OHB staff do not accompany him, he is put in the position of explaining and defending the Division policy and regulations in areas where he has little or no expertise or experience, to the detriment of his own morale, the reputation of the Ministry, and service to the clients. This is more properly the responsibility of hygienists and doctors.

The Mining Branch offers a useful model for solving this problem; specialists in that branch, such as the working environment technical specialists, have responsibility for monitoring air quality and other environmental conditions. They have the authority of inspectors to issue orders, tickets, and stop work orders directly to clients, not through a generalist inspector. This helps to ensure that the problems are identified and appropriate action is taken promptly, and that remedial requirements are understood and implemented.

However, the Mining Branch system suffers from a lack of coordination of the three groups of specialists who visit each site. This problem would be solved by designating one inspector or specialist to coordinate all communications with the client and to serve as the focal point in the Division's relations with the client.

Such an arrangement will preserve the benefits of the "single window" but will permit each specialist to issue orders directly to clients. These specialists will be required to keep the designated lead inspector informed of their actions, thus enhancing teamwork and cooperation in solving client problems. To implement this proposal it is recommended that:

R.V.A. - 6: THE "SINGLE WINDOW" APPROACH SHOULD BE RETAINED AND ONE INSPECTOR OR SPECIALIST SHOULD BE DESIGNATED TO COORDINATE ALL COMMUNICATIONS AND SERVICES TO A PARTICULAR CLIENT. SPECIALISTS, SUCH AS HYGIENISTS, ENGINEERS, NURSES AND DOCTORS SHOULD BE GIVEN THE POWER TO ISSUE ORDERS, MONITOR COMPLIANCE AND INITIATE PROSECUTIONS.

5. The Division Should Explore Different Forms of Inspections

The effectiveness of field operations would be enhanced by policy initiatives and innovative programming to focus the attention of the inspectorate on those workplaces most in need of attention, either due to the presence of high levels of hazards, or a historical record of occupational health problems and excessive worker injury. Dr. Ham in his report "Occupational Health and Safety Strategies and Program Delivery: Priorities for the 1980's" has suggested a series of such initiatives, including:

- tripartite agreements,
- voluntary protection programs,

- use of "records only" inspections,
- basing inspection frequencies on preventable injury rates,
- voluntary self-inspection programs,
- programs which recognize excellent performance, and
- "worst first" programs such as MSHA's Program in Accident Reduction.

The Division should explore different compliance monitoring programs, suited to the various types of Ontario workplaces. These programs could include audited self-inspections for the best performers and "worst first" programs for poor performers. In the development of such programs, priorities for attention for both health and safety inspections will become clearer and resources can be used more effectively.

In the United States, OSHA and several state jurisdictions have taken innovative initiatives to encourage voluntary compliance. In California, CAL-OSHA has introduced three Voluntary Protection Programs (VPPs).

VPPs are applied at a select number of workplaces where the employers have instituted exemplary health and safety programs. The achievements of these establishments have created significant peer pressures and have provided models for others to emulate. By acknowledging and rewarding employer and employee initiatives, they have stimulated interest in new ways to make and keep workplaces safe and healthy. In enforcement terms, these programs reflect 'the best least' rather than 'the worst first', in that the frequency of inspection is reduced, or eliminated, as a reward for good performance.

The three programs of OSHA are designated Star, Try and Praise. The programs are voluntary in that an employer must apply and

voluntarily agree to meet stipulated criteria in return for public recognition, suspension of scheduled unannounced inspections, and the assurance of cooperative assistance from OSHA staff.

The Star Program is aimed at establishments which already have good programs in injury, illness and accident prevention. The requirements for Star programs are excellent performance, backed up by all the characteristics associated with an effective internal responsibility system.

The Try Program, as the name implies, is experimental and is intended to encourage employers to strengthen the effectiveness of their internal responsibility system for health and safety, either through employee participation or management initiatives and, in so doing, to devise approaches suited to the particular circumstances of the site. The third OSHA program, Praise, is designed for employers in low hazard industries who have notably good safety records and programs. It covers safety only and is designed to provide public recognition and encouragement to excel.

Currently, in Ontario, most inspections are unannounced so that the inspector may conduct an impromptu and objective inspection of the establishment. However, the disadvantage of this approach is that the inspector often has to either wait at the site or conduct the inspection without the appropriate parties, or their substitutes, present. Leaders in accident prevention programs could be accorded less frequent inspections, scheduled in advance. This would benefit the employer, the worker representatives and the Division through more efficient use of their time. All relevant parties could arrange the inspection at a mutually convenient time.

A major effect would be achieved if health and safety performance had a more direct financial impact on the workplace. Health and safety are widely viewed by industry as a cost of doing business, due both to the capital required to pay for protection and to the cost of WCB premiums. Lost time and low productivity arising from workplace hazards are secondary effects which are not universally recognized. Currently, each establishment pays a fixed WCB premium, based on the industry rate, irrespective of the company's health and safety record. As an incentive to encourage employers to improve their health and safety record, the concept of experience rating should be applied, whereby WCB premium rates are adjusted individually for each employer, based on the health and safety performance record.

The Ontario Act, with its system of audited internal responsibility as the underlying philosophy, is admirably suited to the adoption of VPPs. In the view of this study, it is timely for the Division to devise programs and incentives to encourage and recognize excellent performance among Ontario employers. Constructive peer pressures can be substantial and the public mood would likely be supportive, provided it is understood that such initiatives will not entail undermining the Division's enforcement capacity.

To a limited extent the Division has responded to these suggestions. The "Cycle 99" classification for Ontario workplaces which are unlikely to experience occupational health and safety problems is an attempt to reduce the effort expended at these sites, and thus to conserve resources to be deployed elsewhere. Similarly, local office managers plan the location and frequency of regular inspections in such a way that attention is focused where it will do the most good, based on

the knowledge and experience of the manager and the inspectors.

In summary, the Division must continue to stress that the primary responsibility for health and safety r sts in the workplace. The role of the Division, through its presence, is to encourage and support the workplace parties to adopt programs, such as VPPs, which encourage attainment of the desired results while conserving the Division's resources for deployment to those workplaces where problems exist. To give effect to these proposals, it is recommended that:

R.V.A. - 7: THE DIVISION SHOULD PLACE GREATER EMPHASIS ON THE DEVELOPMENT OF DIFFERENT FORMS OF INCENTIVES AND INSPECTION PROGRAMS, SUITED TO THE VARIOUS TYPES OF ONTARIO WORKPLACES, THEIR INHERENT HAZARDS AND ACCIDENT RECORDS.

6. Investigations Are Made in Response to Statutory Requirements

The Division has a statutory mandate to conduct investigations in response to fatalities, accidents, work refusals and complaints. In general, the Division treats investigations as a priority; the response is prompt and efficient, the resources are adequate, and there is not an extensive backlog.

The skills and procedures required in an investigation vary from a simple response to a complaint, requiring knowledge of the legislation, to a major fatality or accident, requiring highly developed investigative skills. For fatalities, at least two inspectors will respond to undertake the investigation but, except in unusual instances, one inspector conducts all other types of investigation.

Because of the statutory requirement, and the urgent nature of many investigations, they are given a high priority by all branches. However, because they are unpredictable, both in

location and frequency, it is difficult to plan and schedule the appropriate response. At present, the inspector who has the "single window" responsibility for an establishment is usually sent to investigate, regardless of other demands on his time for routine inspections. On fatalities, a second (usually a senior) inspector is also assigned.

The investigation of fatalities and major accidents must be conducted by inspectors with special skills. Conditions may be dangerous, human suffering is usually involved, and complex legal questions may be raised. The inspector assigned should be a trained investigator, able to uncover and describe conditions and events logically and impartially. He or she must have a detailed knowledge of the Act and regulations, and experience in their application, including appearances in court. He or she must be trained to respect the stressful conditions under which the investigation takes place, and be able to use interpersonal skills to help control these conditions.

The majority of inspectors have not received specialized training in investigative techniques and the task is often complex, requiring a solid background of experience. Inspectors who have superior qualifications are therefore called upon more frequently than others to perform this stressful and demanding function, without the benefit of a commensurate increase in pay, or formal acknowledgement of their skills. To recognize and reward the special skills required to conduct investigations, it is recommended that:

R.V.A. - 8: THE MOST HIGHLY QUALIFIED INSPECTORS SHOULD BE SELECTED TO CONDUCT INVESTIGATIONS. THEY SHOULD RECEIVE APPROPRIATE TRAINING AND RECOGNITION THROUGH STATUS, TITLE AND REMUNERATION.

The implementation of this recommendation will result in better services to clients, higher morale among inspectors, less disruption to inspection cycles and, thus, more efficient use of manpower.

7. Several Sanctions Are Available to Enforce the Act

The inspector has a number of tools available to encourage compliance. While persuasion is effective to establish an understanding of the hazards and to inform parties of their responsibilities, punitive measures such as orders to comply, stop work orders, tickets and prosecutions are used where there has been a violation of the Act and its regulations.

a. **Stop Work Orders**

The inspectors have several means of applying the "stick", each with its own degree of severity, immediacy and effectiveness, of which the stop work order is, in many respects, the most powerful. Its effectiveness lies with its immediacy and its economic impact: work cannot resume until the danger or hazard has been removed or corrected. The cost of lost production to employers, and of lost wages to employees, is usually significant. It is also simple for the Division to administer. Table 4 shows that the use of the stop work order has been increasing, reflecting the tougher stance being taken by the Division, and, perhaps, a recognition of its effectiveness.

TABLE 4

STOP WORK ORDERS

	1981/2	1982/3	1983/4	1984/5	1985/6
IHSB	1,361	985	840	924	1,645
CHSB	510	408	563	615	560
MHSB	37	28	56	127	188
TOTAL	1,908	1,421	1,459	1,666	2,393

The stop work order must be used with care, since there is always a possibility that an inspector could abuse his power, or that the economic impact could injure an innocent party.

b. **Tickets**

Part I of the Provincial Offences Act empowers inspectors to issue tickets to offenders. In the Construction Branch, a ticket or fine of approximately $50 is given to a worker for minor infractions, such as failure to wear safety boots or a hard hat. There is an immediate impact on the offender which also serves as a signal to other workers to comply. The construction inspectors believe that the threat of a fine results in a high level of compliance with the regulations. Tickets are particularly well suited to the construction industry

where the workplace is transient, the hazards are immediate and where the IRS is less effective than in the other two branches.

The Mining Branch has the authority to issue tickets but, on the basis of a tripartite agreement with industry and labour, has never done so.

The use of tickets was considered by the Industrial Branch but rejected because of apprehension that the Branch would be accused of unfairly prosecuting workers. It was also feared that tickets might undermine the IRS by casting the inspector in the role of an enforcer and by implicitly relieving the parties in the workplace of the major measure of responsibility for their own safety. The Industrial Branch was also concerned that tickets would lead to litigation, with unions taking the Branch to court.

Notwithstanding the valid concerns of the Industrial Branch, tickets are an effective device when used intelligently and there may be merit in employing them in the Industrial and Mining Branches.

c. Prosecutions

Prosecutions for violations of the Act are initiated by inspectors through "special action requests". Following approval of such requests, and consultation with the Legal Branch, the prosecution is taken through the courts under Part III of The Provincial Offences Act. Prosecutions are time consuming and costly to administer; they are used as a last resort when orders have been ignored or when there

have been severe contraventions, resulting in a fatality or serious accident. Prosecutions do convey a signal to employers, employees and the public that the Division "means business", and convictions do carry a stigma for offenders.

Penalties under the Act are limited to a maximum fine of $25,000 or a maximum of twelve months in jail, or both. This level is low in relation to the potential harm arising from violations of health and safety regulations, low in relation to penalties available for environmental offences under the Environmental Protection Act, and often low in relation to the cost to employers to remedy the situation which gave rise to the conviction. Moreover, the fines awarded by the courts have averaged approximately $2,000 and a jail sentence has never been given. In these circumstances, it is not surprising that some employers have opted to pay a fine rather than comply with an order to install equipment or introduce engineering controls.

The Minister is reviewing the adequacy of penalties available under the Act and is proposing to increase the maximum fine. An increase is clearly justified and is supported by this study through a recommendation that:

R.V.A. - 9: THE DIVISION SHOULD CONTINUE TO SEEK AMENDED LEGISLATION TO INCREASE THE LEVEL OF PENALTIES FOR VIOLATIONS OF THE ACT.

8. Appeals

Under Section 32 of the Act an employer, constructor, owner, worker, or trade union representative may appeal an order or a decision made by an inspector. The appeal may be made when one of these parties disagrees with a decision or order issued by

an inspector, or with a decision by an inspector not to issue an order or make a decision.

An appeal hearing must comply with the provisions of the Statutory Powers Procedure Act which safeguards a number of fundamental rights, including the right to:

- receive adequate notice of proceedings,
- be represented,
- call evidence,
- cross-examine witnesses, and
- make closing submissions.

The Division has proposed that changes be made to establish an administrative review procedure to reduce the need for the above quasi-judicial process. This will restore the original intent to provide for a second opinion on an order; it will reduce the resources required and simplify the response. However, the appeals process will be retained to ensure the clientele fair treatment through a full review by an uninvolved but technically qualified, third party.

The current process is slow, with an average of nine and a half months taken to deal with the ten appeals settled since the beginning of 1984. The number of appeals is growing. There were 56 in 1984; 108 in 1985; and 70 in the first six and a half months of 1986. A substantial majority are abandoned or settled through negotiation (94% in 1984), and this latter process is often time consuming. The workload on the Director of Appeals, who hears all appeals for the Industrial and Construction Branches, has been heavy, and there is a backlog.

The workload problem was addressed by the temporary addition, on a contract basis, of an assistant to deal with the backlog and by assigning responsibility to the Director of the Mining Branch for appeals arising in that industry. More recently, all responsibility has been vested in one position "the Director of Appeals", whose sole role is to resolve appeals.

The Division has long recognized the need to reform the appeals process. A draft policy was developed and presented to the Executive Committee in September, 1985. A number of issues were raised which required further study. As a result, the draft has not been adopted, but has been sent back for revisions, based on a recent legal opinion received from the Attorney-General's office. This process has taken more than a year and may be further delayed as a result of personnel changes in the Executive Director's office.

The appeals function is relevant and the process is achieving useful results, primarily by resolving appeals prior to a formal hearing. The clients have accepted the process and comments received by this study have been supportive. The resolution of issues through consultation reinforces the role of the Division and enhances the IRS.

R.V.A. - 10: THE POLICY ON APPEALS SHOULD BE COMPLETED. EFFORTS SHOULD BE CONTINUED TO RESOLVE CONTENTIOUS ISSUES BEFORE A FORMAL HEARING TAKES PLACE. THE MANAGEMENT OF APPEALS SHOULD BE STRENGTHENED TO MONITOR THE STATUS OF ALL APPEALS, TO REDUCE THE BACKLOG AND TO ACCELERATE THE PROCESS.

9. Pre-Development Reviews

The Act and relevant regulations for industrial establishments, mines and mining plants, and construction projects require the owner to submit drawings for review by an engineer of the

Division before any major construction, development, or alteration takes place.

In the Industrial Branch, approximately 35% of pre-development reviews result in orders for change, and more than a third of these result in field inspections. The pre-development reviews in the Industrial Branch produce over $1.1 million annually in examination fees. The current system is well received by industry, and no complaints were registered with the study team.

The role of the Division in pre-development reviews is appropriate and relevant since it is prevention and has long-term benefits.

The process is effective, but identifying all projects is a problem. There is no formal process by which the Construction Branch is notified of pending projects reviewed by the Industrial Branch. To remedy this situation, it is recommended that:

R.V.A. - 11: A FORMAL NOTIFICATION PROCESS BETWEEN THE INDUSTRIAL AND CONSTRUCTION BRANCHES SHOULD BE ESTABLISHED TO GIVE THE LATTER ADVANCE NOTIFICATION OF PROPOSED CONSTRUCTION PROJECTS.

B. TOXIC SUBSTANCES

One of the major and most controversial issues facing employers, workers and the Division is the control of worker exposure to potentially toxic substances in the workplace. With the introduction of the new Act in 1979, and the expanded mandate in the field of occupational health, the Division adopted a dual approach for the overall control of toxic substances.

- The first is control through specific regulations for designated substances.

- The second is control by guidelines for all other substances.

These two approaches are discussed below.

(i) Designated Substances

The Division has reviewed the spectrum of toxic substances and has selected a small number of the most hazardous for designation. The methodology to determine which toxic substances are to be designated will be discussed later in this chapter. An important distinction to recognize is that each designated substance has its own substance-specific regulations whereas, for the remaining toxic substances, the regulations are more general.

There are ten regulated substances, but eleven designated substance regulations, since two regulations deal with worker exposure to asbestos.

In general, the designated substance regulations specify exposure limits which must be met by engineering controls, hygiene practices, facilities, and work practices. They set out the circumstances in which respirators may be used in place of engineering controls. The regulations also provide that, where the regulation applies, an employer, in consultation with the Joint Health and Safety Committee, must carry out an assessment. When an assessment discloses that the health of a worker may be affected by exposure to the substance, a control program must be developed, in consultation with the Committee.

The regulations set out the features which must be incorporated in all control programs. These include a description of the engineering controls, work practices, hygiene practices and facilities which are required. In addition, where such features as air monitoring, record keeping and medical surveillance are required to be included in the control program, the regulations prescribe the methods and procedures to be followed.

The development of designated substance regulations involves an elaborate, participative process which includes labour, industry and other interested or knowledgeable parties. This process will be described in later sections.

(ii) Other Substances

For all other substances, neither the legislation nor the process are as detailed. In general, the Division relies on three means to control toxic substances: the Act, general sector regulations, and the threshold value limits of the American Conference of Governmental Industrial Hygienists which were used as guidelines by the Ministry.

- The Act - Subsection 14(2)(g) of the Act contains general duty provisions requiring employers to take all reasonable precautions to protect the health of workers. In addition, subsection 14(2)(a) requires employers to provide information, instruction and supervision to workers who may be exposed to toxic substances.

- Sector Regulations - Three sectors, namely, industrial establishments, construction projects, and mines and mining plants, have general requirements to prevent exposure to toxic substances. In other sectors, such as

hospitals and educational establishments, sector-specific regulations do not exist. The Ministry relies upon the general provisions of the Act and uses regulations as guides in determining what constitutes reasonable precautions.

- Guidelines - Prior to December, 1986, the control of substances is supplemented by guidelines for worker exposure. These guidelines are contained in the threshold limit values published and updated annually by the American Conference of Governmental Industrial Hygienists, commonly known as the ACGIH guidelines. Over 600 substances and their respective exposure limits are contained in the guidelines. Effective December 6, 1986 the guidelines became legally enforceable control limits in Ontario.

Process problems aside, there are two major shortcomings in the dual approach described above.

First, designating substances individually, although detailed and thorough for the ten substances covered to date, makes only a small dent in the overall control program. Ten substances have been designated since 1981, whereas it is estimated that there are over 55,000 substances used in workplaces today.

Second, prior to the introduction of the new regulations in December, 1986, the ACGIH guidelines were difficult to enforce in a court of law. The legislation does not prescribe specific control procedures, such as engineering controls, and the ACGIH guidelines for exposure levels are not mandatory. The Division has issued thousands of orders when the guidelines have been exceeded in its efforts to require employers to control worker exposure. These orders have been complied with in the vast majority of cases.

However, the general and imprecise provisions of the former section 145 of the industrial regulations created difficulties in sustaining prosecutions against recalcitrant employers.

The Division has reviewed both approaches in its toxic substances program and has recognized the need for stronger legislation and a more all-inclusive policy. It has, therefore, developed a comprehensive strategy, and a new strengthened regulation has been passed. This strategy will be discussed in detail at the end of this chapter.

Regulation will continue to play an important role in the Ministry's comprehensive strategy to control worker exposure to toxic substances. This being the case, it is likely that the participative process, involving both labour and industry in the development of the regulations, will remain a significant policy issue. Indeed, the Division's present and past experience with this process suggests that improvements can be made, as will now be discussed.

1. <u>The Standards Setting Process Allows the Division to Gather Detailed Information on Certain Toxic Substances and to Involve External Participants</u>

It is generally recognized that the regulation of workplace hazards is a challenging and complex task. In particular, the lack of conclusive scientific evidence on the health effects of certain substances makes it difficult to set standards for toxic chemical exposure. The public perception of risks and the process by which the relative acceptability of risks is determined, can be only partly decided by science, as values and emotion are very much a part of the process. Therefore, although there must be an important scientific basis to risk assessment and analysis, decisions on the acceptability of risk levels can ultimately be made only in a far broader political

and social context. Although science is helpful in making decisions, reliance is still placed on value judgements.

As a result, the participative process adopted by the Division provides important opportunities for input from a wide variety of participants. The most significant of these are industry and labour as they are directly affected by the final outcome.

The participative process allows the Division to receive detailed information on particular toxic substances from external participants. By virtue of their participation, it both educates and informs them about certain substances, sensitizing them to the difficulties inherent in setting standards and developing regulations.

The attitudes towards the participative process have changed since it was initiated in 1981. At first, industry resisted special regulations for designated substances and was reluctant to participate fully in the process. However, those in industry who have been involved have come to recognize that the regulations are necessary and have continued to participate. On the other hand, while labour initially welcomed the new process, they have boycotted participation since 1984 for reasons to be outlined.

2. Objective Criteria for Selecting Candidate Toxins for Designation Need to be Established

The first step in the development of the regulations involves selecting candidate toxins for designation. The general rule is that toxic substances which result in serious health hazards and require detailed control measures are selected. The decision to select a particular substance is now made within

the Division and is not subject to open discussion with external participants.

Selecting toxins for designation is one of the most difficult tasks facing the Division. In light of the large number of chemicals and agents used in Ontario (approximately 55,000), the substances selected for designation and special regulation must be the ones where the greatest need has been demonstrated. Systematic and objective criteria are, therefore, essential in the priority setting exercise.

The Division has taken steps towards developing an institutional framework for the development of priorities. A priority list of some fifty substances, or groups of substances, was drawn up in the late 1970's, based on the experiences and opinions of the members of a Ministry of Labour task force, and information from federal and United States sources.

The Ministry used the priority list as the basis for deciding which substances should be studied, and the list has been revised from time to time. In addition, the Division has kept a careful watch on activities in other jurisdictions, particularly the Occupational Safety and Health Association and the Environmental Protection Agency in the United States.

The ten substances designated to date were all on the original list drawn up in the late 1970's. In every case, these are substances which present serious chronic, irreversible health hazards to workers. Six of the ten are carcinogens (vinylchloride, coke oven emissions, asbestos, benzene, acrylonitrile and arsenic); three (lead, mercury and silica) are "classic" occupational health hazards and one (isocyanates)

is a sensitizer which can cause serious respiratory problems at extremely low levels of exposure. These substances are at, or near, the top of the priority list in every jurisdiction.

Labour and industry, as well as the Division, have different reasons for regarding certain substances as prime candidates for designation. Both labour and industry have criticized the Division for inadequately justifying its reasons for selecting particular substances. In particular, labour has questioned the designation of mercury. In its opinion, mercury is more of an environmental concern in Northwestern Ontario than an acute workplace hazard, yet it was the second substance designated in Ontario. Labour and management perceive that the selection of certain substances has been primarily in response to media and political pressure, and not based on objective criteria.

The Division has recognized these concerns and has made two overtures to labour and management. The first was to the Advisory Council on Occupational Health and Occupational Safety. The then Minister requested the Council to work with the Division in defining those substances which were the most worthy candidates for designation. In response, the Advisory Council stated that it would not undertake the particular task requested, but would provide the Minister with a policy framework for priority setting. The Minister then approached specific individuals from labour and management to work with the Strategic Policy Unit, in an advisory capacity, to establish the priorities for toxic substance regulations. Management representatives agreed to participate, but labour declined, as part of its overall boycott of the designated substances process.

One of the primary causes of the weakness in the Division's priority scheme is the absence of a comprehensive inventory of chemicals currently used in Ontario. Such a data base could be employed to objectively determine the use of substances in Ontario, i.e., quantities used, industries affected, size of establishment affected, types of processes where used, number of workers exposed, and nature and effects of exposure. If such information were provided by the Division to external parties, the concerns over criteria for designation could be alleviated.

A data base on workplace substances is currently lacking because there is no legal requirement for employers to prepare an inventory and submit it to the Ministry. The "right to know" initiative which will be described later in this chapter will address this deficiency.

In the meantime, the Division should continue to select substances for designation and it is, therefore, recommended that:

R.V.B. - 1: THE DIVISION SHOULD CONTINUE TO SELECT SUBSTANCES FOR DESIGNATION. THE BASIS OF SELECTION SHOULD BE OBJECTIVE AND STANDARDIZED CRITERIA, DEVELOPED FROM A COMPREHENSIVE DATA BASE, WHEN AVAILABLE UNDER THE PROPOSED RIGHT TO KNOW LEGISLATION. ALL INTERESTED PARTIES SHOULD BE INFORMED OF THE REASONS FOR THE SELECTION OF PARTICULAR SUBSTANCES.

3. The Division Has Attempted to Expedite the Consultative Process

Once a substance has been chosen for designation, the process used for the development of a regulation has six identifiable phases:

Phase I - Assembling background information by either the staff of the Division or consultants, and preliminary consultations with industry and labour.

Phase II - Publishing a notice of possible designation and the analysis of comments received from interested and affected parties.

Phase III - Distributing Ministry of Labour health effects documentation and analysis of comments received.

Phase IV - Publishing a proposed regulation and background documentation, followed by analysis of comments received.

Phase V - Holding a meeting, open to all parties, to present the changes made to the proposed regulation since initial publication, and a review of further comments submitted.

Phase VI - Review of the proposed regulation by the Advisory Council, followed by submission of the regulation to the Legislative Council, and then to Cabinet.

The public meeting described in Phase V was added to enhance the process by providing the parties, and the Minister, with an additional check on the course of action being proposed.

Section 22 of the Act sets out the minimum period of consultation, namely, 90 days. However, it has consistently been extended because of the demands from external participants for additional consultation and the desire to seek the input from all parties prepared to comment.

The length of time required to develop and promulgate the designated substance regulation remains one of the greatest criticisms of the process. Part of the problem is that the process was not formalized, with deadline dates. It was originally envisaged to require six months for completion and has gradually lengthened. The average time required to develop each of the first ten regulations was approximately twenty-seven months. External participants have complained that it has exhausted them, both in terms of time and resources. This study recognizes, however, that in other jurisdictions a similar length of time is required to develop and promulgate a regulation.

The Division has responded to these criticisms both by limiting the duration of the process and by establishing work plans for each substance. Since 1983, individual plans for designating each substance have been in place, and a project leader has been appointed to oversee the process from beginning to end. With the advent of the new government, the timetable for designating a series of substances was reviewed and the timeframes shortened to one year. The work plan is subject to review by both the Deputy Minister and the Minister of Labour.

The Division has made significant progress in developing the regulations, and has made the process more efficient by adhering to deadline dates and work plans.

4. <u>The Participative Process Has Evolved into Yet Another Opportunity for Political and Emotional Debate</u>

There is frequently a significant gap between the existence of real risks and the public perception of risks. Repetitive technical controversies and questions of scientific evidence

have delayed decision-making in setting exposure limits for each substance.

Instead of presenting objective information for each designated substance, both industry and labour repeatedly present their polarized positions. Labour usually calls for "no exposure" and argues that the possibility of even one person's health or life being affected is unacceptable. Industry, on the other hand, takes the stance that the chemical or substance being examined is essential to the production process and that any regulation or control will impose an intolerable financial burden.

The Division has tried to address this problem by involving industry and labour in a more meaningful way in the standards setting process. Two tripartite task forces were established to develop the background information on two projects, the ethylene oxide regulation (1983) and the report on the use of benzidene and benzidine congener dyes in Ontario (1984). In both cases, the representative union and employer trade associations were invited to assist in the survey of the workplaces affected. All parties agreed that the results obtained from the survey were accurate indications of exposure. Nevertheless, the information gathered during the surveys did not change the opinions of the representatives and they held to their initial positions. The experience did, however, educate the participants in the difficulties which must be addressed in making such decisions and demonstrated that a fully satisfactory standard setting process is difficult to devise.

Until such time as industry and labour have demonstrated a willingness and a capacity to work together, the Division will

have to play the dominant role. Accordingly, it is recommended that:

R.V.B. - 2: THE DESIGNATION OF TOXIC SUBSTANCES SHOULD CONTINUE TO BE THE RESPONSIBILITY OF THE MINISTER OF LABOUR. THE ROLE OF INDUSTRY, LABOUR UNIONS AND OTHER INTERESTED PARTIES SHOULD BE ADVISORY. CONFLICTING VIEWS AMONG THESE PARTIES SHOULD BE RESOLVED BY THE MINISTER, OR HIS DELEGATE, AFTER REASONABLE CONSULTATION.

5. Labour Has Boycotted the Process for Setting Exposure Limits, But Its Participation Is Essential

Organized labour has been dissatisfied with the current process for setting exposure limits for designated substances, and withdrew in 1984. Labour believes that it has neither the financial nor manpower resources to participate as an equal with industry representatives.

Except for one public meeting, industry and labour are usually kept apart in the process. Labour also perceives that external documentation essential to the final decision is not always provided to all parties. In particular, they complain that industry cost impact analyses of proposed regulations, which are considered by industry to be confidential, are not disclosed to labour or made public. The Division has informed this study however that information which has been provided on a confidential basis is not given to either labour or industry, but summaries of the confidential information are provided to both parties. Nevertheless, labour is still suspicious and does not trust the results.

Except for the two tripartite task forces previously mentioned, the Division appears to have focused too much effort on setting the actual exposure limits, while neglecting to persuade the parties and relevant experts to accept the final decision. It

seems that even the most technically perfect standard is unacceptable unless all parties are satisfied that the process involved in arriving at a decision is fair. It is also evident that labour has shifted its efforts from the standards setting process to the public arena by "exposing", through the media, cases of non-compliance of designated substance regulations.

Following the boycott, the Ontario Federation of Labour (OFL) recommended that labour should participate with management in the development of all health regulations through a permanent committee with full-time, paid representatives on each side, and technical and scientific staff to advise them in their deliberations. This bipartite committee would function outside the Ministry, but any decisions arrived at through consensus would be adopted by the Division. The then Minister of Labour responded to the OFL proposal by suggesting that the Ministry establish some specific labour management advisory committees to assist with reviewing of material and developing regulations. However, this was not acceptable to the labour movement and labour has refused to participate unless its demands are fully met.

Workers clearly have the most to gain from regulation of designated substances in a manner which protects their health but does not jeopardize their jobs. Therefore, it is imperative that they participate, through their representatives, in the process. The current impasse must be resolved so that labour and management can participate together, recognizing that they share a common interest in a healthy work environment. Accordingly, it is recommended that:

R.V.B. - 3: RENEWED EFFORTS SHOULD BE MADE TO INVOLVE LABOUR IN THE PROCESS OF SETTING EXPOSURE LIMITS FOR DESIGNATED SUBSTANCES. THEIR PARTICIPATION SHOULD BE ON AN EQUAL FOOTING WITH EMPLOYERS AND THERE SHOULD BE FULL DISCLOSURE OF RELEVANT DATA, SUMMARIZED WHERE NECESSARY TO PROTECT CONFIDENTIALITY, TO ALL PARTIES.

6. The Cost Effectiveness of the Participative Process Must Be Examined

In spite of the long and elaborate process involved, the exposure limits finally adopted do not differ substantially from the ACGIH guidelines. The table below shows that, of the ten substances designated to date in Ontario:

- four have the same exposure limits as ACGIH, and
- six have lower levels.

TABLE 5

ONTARIO VS. ACGIH EXPOSURE LIMITS

	Lower	Same
Acrylonitrile		x
Arsenic	x	
Asbestos*	(x)	x
Benzene	x	
Coke Oven Emissions	x	
Isocyanates	x	
Lead		x
Mercury		x
Silica		x
Vinylchloride	x	

* The Ontario asbestos exposure limits were originally set lower than ACGIH; they are now the same. ACGIH subsequently revised and lowered its exposure limit to the Ontario level.

ACGIH exposure limits are internationally recognized, but the threshold values set in 1979 and subsequent years were poorly

supported by scientific documentation. This made it difficult for governments, such as Ontario, to legislate them as standards. In recent years, the documentation that supports the ACGIH values has improved, although it still falls short of Ontario's documentation supporting designated substances.

In general, labour is the most vocal critic of the limits and believes that ACGIH exposure levels should be lower. As an alternative measure, the Ontario Federation of Labour recommended that the Ontario government adopt the Swedish Limit Value Ordinance. The Swedish listing of substances is not as comprehensive as ACGIH. However, 75 percent of the Swedish exposure levels correspond to the ACGIH standards.

In spite of their imperfections, the ACGIH guidelines continue to be a useful benchmark for the control of toxic substances and have now been adopted as legally binding controls under the new regulation.

As discussed in a later section, the adoption of ACGIH guidelines for general control of toxic substances will strengthen the framework for health regulation and control by quickly bringing a large number of substances under control.

As the differences between ACGIH levels and the Swedish values are relatively minor, since ACGIH covers more toxins, and as the critical need is to achieve a more cost effective and practical approach for designating toxic substances, we endorse the recent action to adopt the ACGIH guidelines as controls.

7. Better Publicity and Guidance on Compliance with Designated Substance Regulations Are Required

The designated substance regulations require that an assessment be conducted to determine exposure levels. The method for conducting an assessment is not explicitly defined in the regulations. However, the Division has prepared an explanatory guide to help employers and workers understand their responsibilities and the requirements of the regulations.

Of the ten substances designated to date, only four (lead, mercury, silica, and benzene) have explanatory guides. Furthermore, there was considerable delay in issuing this material. Control measures for lead came into force on November 12, 1981, but the explanatory guide was not available until July, 1985. The Division has never had an adequate budget for the development and publication of appropriate explanatory material and fiscal constraints have further reduced the budget. Efforts are underway to expedite the release of guides no later than six months after the regulation has been passed.

The Division has also prepared a general guide for designated substances which attempts to outline the conduct of an assessment step-by-step and details what the components of a control program must be. This guide was released in February, 1985, almost three and one-half years after the first substance was designated.

The main criticism of the guide is that its general nature does not provide employers with the details required to effectively conduct an assessment; the Division has not adopted a standardized method. Employers have called for an "easy to understand" workbook, using a checklist and standardized forms.

The Industrial Accident Prevention Association (IAPA) workbook was cited as a good model for the Division to follow.

Without a standardized method for conducting assessments, and an education program meeting the different needs of large and small establishments, many unsophisticated employers and health and safety committees experience delays and frustration in complying with the designated substance regulations and coping with toxic substances in general. This is substantiated by the fact that complaints in the Industrial Branch have risen from 98 in 1981/82 to 1,525 in 1985/86, 80% of which are related to occupational health.

The ten substances designated to date are known to be used in approximately 5,000 establishments. When the noise regulations are adopted later this year, over 65,000 workplaces may be affected. Unless a structured and comprehensive education and communications program is mounted, the Division will be besieged with complaints and requests for assistance.

Even the most technically perfect standard and control measure is unsatisfactory unless both industry and labour understand clearly how they should comply. Regulations should not be adopted until the appropriate explanatory and educational material is available and plans are made to communicate and deliver it to the parties concerned. There should be more cooperation with the safety associations, trade associations and the Ontario Federation of Labour to ensure that the information is consistent and meets the needs of the client groups. Accordingly, it is recommended that:

R.V.B - 4: A DESIGNATED SUBSTANCE REGULATION SHOULD NOT BE INTRODUCED UNTIL THE SUPPORTING EXPLANATORY MATERIAL IS PUBLISHED AND READY FOR DISTRIBUTION. THIS MATERIAL SHOULD BE

PREPARED IN COOPERATION WITH RELEVANT SAFETY AND TRADE ASSOCIATIONS, LABOUR UNIONS, AND THE ONTARIO FEDERATION OF LABOUR.

8. <u>The Designated Substances Enforcement Unit Has Experienced Organizational Difficulty</u>

In 1983, The Royal Commission on Asbestos, (Dupré Commission) observed that the Division's enforcement practices in matters of health were not perceived to be as responsive and tough as in matters of safety. The Commission recommended that an authority be established to launch special inspection visits to plants where designated substances are used.

Funds were approved to establish a Designated Substances Enforcement Unit (DSEU) and a Chief was appointed to head the Unit in October, 1985. The main responsibility of the Unit is to identify high risk establishments and establish a multi-disciplinary team of inspectors from both the line branches (industrial, construction, and mining) and the Occupational Health Branch. The DSEU is expected to have, in addition to the Chief, two hygienists and two inspectors.

Progress has been slow in establishing and staffing the Unit, and few investigations have been conducted, although a list of high risk establishments is being developed.

This study recognizes that an analytical capability is required to identify high risk and problematic establishments, to assemble an investigative team and to collate the evidence obtained. However, a separate Head Office unit to coordinate and assist in investigations conflicts with the responsibility of the line branches for inspections, and with the consultative and supportive role of the Occupational Health Branch.

The current team concept, embracing a line branch inspector, supported by OHB field consultants, when required, has been used to audit designated substance regulation, and it should be encouraged and supported. The DSEU adds complexity to an organization in need of streamlining through closer integration and direction of field personnel. The resource committed to the DSEU should be redirected to strengthen the existing organization. Recommendations relating to the enforcement of designated substance regulations are provided in Section 11, below.

9. <u>The Selection of Co-Ordinating Physicians for Designated Substance Regulations Must be Resolved</u>

Medical surveillance is a form of secondary prevention and, to be effective, the results of the examinations and clinical tests of the entire potentially exposed workforce have to be reviewed to identify any significant adverse trends. This was the justification for including in the designated substance regulations Codes of Medical Surveillance and the requirement for an examining physician.

The effective monitoring of the medical history of a group of workers at a particular site requires that their medical records be collated and maintained for analysis over a long period. This is best done by one physician who may co-ordinate information provided by other physicians. The company physician is the most practical and convenient person to perform this coordinating role. In addition, the medical records will always be on site, and available when needed.

However, having the company physician perform this role is not acceptable to some union officials who argue that the choice of physician is a fundamental issue of human rights. There is also

concern that the company physician may disclose a patient's confidential medical history to his or her employer with the information later being used to the detriment of the worker involved. On the other hand, in the absence of effective coordination, consistent medical monitoring and record keeping for the group of workers will be compromised. This is a situation where the welfare of the majority should take precedence over the desires of the individual.

The Division attempted to resolve this issue in 1983. It respected the need for individual choice of physician but recommended that, if more than one physician is involved in the medical surveillance program, one should be designated as the co-ordinating physician for the group. However, the criteria for selecting the coordinating physician and the role, if any, of the joint health and safety committee in the selection process were not adequately defined, and the issue has not been resolved. Inspectors, with the assistance of the Occupational Health Branch, must now mediate between employers and labour unions to get agreement on a reasonable number of examining physicians, and the selection of a co-ordinating physician. It is recommended that:

> R.V.B. - 5: THE DESIGNATED SUBSTANCE REGULATIONS SHOULD BE AMENDED TO INCLUDE CRITERIA FOR SELECTING THE CO-ORDINATING PHYSICIAN FOR MEDICAL SURVEILLANCE PROGRAMS. THE SELECTION SHOULD BE MADE BY THE JOINT HEALTH AND SAFETY COMMITTEE.

10. The Division is Attempting to Develop a Comprehensive Policy for the Control of Toxic Substances

The Division has two processes in place to control the use of toxic substances in the workplace. The first is control through substance-specific regulations, and involves a participative process for setting standards, as described in previous sections. For the remaining toxic substances, neither

the legislation nor the process for setting standards are as detailed. "General duty" regulations are applicable and ACGIH guidelines are prescribed. The Division has reviewed both approaches and has recognized the need for a more comprehensive policy and stronger regulation.

The comprehensive policy envisages that certain requirements will apply to all potentially hazardous chemicals. These include the general duty care provisions under the Act; the requirement to provide information under the Act; and the "right to know" provisions of Bill 101, including labels, data sheets and training. There would be expanded and revised regulations for biological and chemical agents. With these controls in place, there would still be a need for a generic designated substance regulation which would apply to selected chemicals according to the known nature of the hazard and its potential toxicity. It would contain a series of increasingly stringent control requirements, the ultimate sanction being prohibition of use.

The proposal is that there be three integrated program components relating to the use and control of toxic and hazardous substances, namely:

- right to know legislation,
- expanded and revised regulations for toxic substances, and
- generic designated substances policy.

a. Right to Know Legislation

The first component is "right to know" legislation. The Division does not have detailed information on the types of chemicals being used in Ontario workplaces, and the frequency of their use. Also, employers are not under specific obligation to disclose this information to their employees, or to instruct workers on the proper care and handling of hazardous substances.

"Right to know" legislation, which is expected to be passed in the current session as Bill 101, will attempt to correct these deficiencies by establishing specific responsibilities for manufacturers and suppliers of hazardous materials, and for employers and workers.

Suppliers will be responsible for evaluating and classifying hazardous materials, labelling them and supplying additional information by means of a Material Safety Data Sheet (MSDS) on or before initial shipment. Employers will be responsible for ensuring that education programs are implemented for employees, and will be required to provide a hazardous substances inventory to the Ministry. Workers will be responsible for participating in the education programs and for using the information gained on the job to protect themselves and their fellow workers. As proposed, the responsibilities under "right to know" require full cooperation and participation by all interested parties.

The decision to proceed with "right to know" legislation in Ontario arose from the federal initiative to develop a national standard for the Workplace Hazardous Materials

Information Systems, WHMIS. This project was coordinated by Labour Canada, using a tripartite steering committee, with representatives from organized labour, industry and the federal government. Representatives of provincial governments, and other interested groups, also participated.

The WHMIS project involved unprecedented tripartite consultation on complex technical and social issues. Although it took over three years to develop (1982-85), unlike the Ontario experience with designated substances, it proved to be a successful exercise in getting labour and industry to reach consensus on this particular aspect of occupational health and safety. Ontario's move to "right to know" legislation will incorporate the WHMIS recommendations for labelling, material safety data sheets and worker education.

b. Expanded and Revised Toxic Substance Regulations

A new regulation has been passed to mandate exposure limits and to prescribe control measures for hazardous substances. The regulation requires that exposure values not be exceeded for approximately 600 substances, using ACGIH threshold value limits as standards for compliance. Where concentrations in the workplace exceed these values, the employer is to provide protection for the worker through engineering controls. The new regulation is more comprehensive than heretofore in terms of the greater number of toxic substances subject to specific legislation, and the more stringent controls required. The new regulation also covers the extended coverage sector (hospitals, universities, etc.) which are

currently not governed by any specific regulation. The regulation came into effect on December 6, 1986.

c. **Generic Designated Substance Policy**

The Division recognizes that, for certain substances in the ACGIH listing adopted in the new toxic substance regulations, there will be disagreement between labour and industry on the ACGIH exposure limits. Moreover, the adverse health effects of particular substances will necessitate the imposition of additional requirements, such as air monitoring and medical surveillance, as prescribed in the designated substance regulations. For these reasons, the Division intends to retain a designation policy.

However, instead of the lengthy process of designation, by substance, a new approach is being considered. Under the designated substance policy, substances with similar characteristics will be grouped together and simultaneously designated under one regulation.

This approach began with the proposal to designate solvents and, following comments made on the working draft regulation, the Division considered the need for a single and generic designated substance regulations covering a range of substances from irritants to carcinogens, and other fatally toxic substances.

The new policy is intended to dramatically increase the number of toxic substances covered by special designated substance regulations. Substances considered for designation will be classified according to the potential

for health hazard, and the extent of control measures required.

Generic regulations will be developed for groups of substances such as irritants, solvents, potential carcinogens, known carcinogens and fatally toxic substances. Each of these regulations will have an appropriate control measure, reflecting the potential hazard associated with exposure to the substance.

The participative process, involving labour and industry, is still envisioned to set exposure limits, but once this is determined, a control strategy will automatically follow, depending on the classification of the substance. The most formidable task facing the Division is the development of criteria by which substances will be classified in each generic category. If these criteria can be developed to the satisfaction of industry and labour, the process of generic designation will represent a more systematic approach to designation.

Therefore, it is recommended that:

R.V.B. - 6: THE DIVISION SHOULD ADOPT THE PROPOSED NEW STRATEGY FOR CONTROL OF TOXIC SUBSTANCES. THE PROPOSED "RIGHT TO KNOW" LEGISLATION (BILL 101) SHOULD BE IMMEDIATELY IMPLEMENTED.

11. Organizational and System Changes Are Required

"Right to know" legislation, revised and expanded toxic substance regulations, and generic designated substance regulations represent an integrated and comprehensive strategy for the use and control of toxic substances. The successful

implementation of this strategy is dependent upon the Division's ability to address a number of operational and procedural matters which have limited the Division's ability to effectively administer its designated substance program.

The Division currently does not have a complete data base on the toxic substances being used in Ontario workplaces, although reporting requirements under the proposed "right to know" legislation are expected to correct this deficiency. However, the Division has neither a specific plan, nor the information systems capability, to receive and analyze the chemical and substance listings to be provided by industry. These data are essential and should be used by the Division to establish a profile of the type and frequency of use of toxic substances in the Province.

It is uncertain whether Head Office is the best place to receive and analyze these data. There is a risk that, by centralizing this function, the management information system will be overloaded and the data will not be available to effectively support the field staff.

As part of the organizational decentralization described in previous chapters, companies should send their chemical listings to the Division's regional offices. Local managers and field inspectors can then use these data to establish a profile of the type of chemicals used in their area, and then target inspection visits to those workplaces using designated and toxic substances. This information can then be agglomerated on a regional basis, with input from local managers on the substances recommended for designation. Head Office should then use the input from each region when deciding which substances to designate.

This new process will require clerical staff to receive and input the data at the local level. An analytical capability must also be present in the field to review the data and target inspection visits. One of the organizational implications of this recommendation is that a centralized Designated Substances Enforcement Unit will no longer be required as the function will be performed at the field office level. It is recommended that:

R.V.B. - 7: THE DATA BASE OF CHEMICALS USED IN WORKPLACES, AS REQUIRED UNDER "RIGHT TO KNOW" LEGISLATION, SHOULD BE MAINTAINED AT THE LOCAL OFFICES OF THE DIVISION. THESE DATA SHOULD BE UTILIZED IN DETERMINING INSPECTION VISITS AND AS INPUT FOR SELECTING PRIORITY SUBSTANCES FOR DESIGNATION. APPROPRIATE INFORMATION SYSTEMS SHOULD BE DEVELOPED TO SERVE THESE NEEDS.

The success of the proposed generic designated substance regulations is dependent on both labour and industry participating in the standards setting process and in selecting candidate toxins for designation, as well as accepting and complying with the regulations.

For participation to be meaningful, the Division must re-integrate and involve labour in the process, and establish clear and objective criteria for each generic category. Unless objective criteria are available, labour and industry will continue to use the process simply as a sounding board for their predictable positions.

An option to consider is a multipartite panel, charged with the responsibility for developing these criteria. The merits of such an approach were clearly demonstrated with the WHMIS project, whereby labour, industry and government were involved in the decision-making process at the outset, and were able to

reach consensus on a very complex technical issue. However, this study does not recommend a tripartite panel in Ontario. It is foreseen that labour may refuse to participate because it perceives that its proposals will be overruled by industry and government. For this reason, it is recommended that the panel include a recognized authority, acceptable to labour, management and government, to serve as a neutral chairman.

Although the time required to reach a decision on criteria for designation will be lengthy, a target date should be set to avoid prolonged debate. New substances should not be designated until criteria are developed, together with a detailed plan and schedule for implementation. The Division has to demonstrate to its clients that it is in full control of its procedures and policies for designation before proceeding with the participative standards setting process.

Labour unions must become a party to the standards setting process for designating toxic substances. Accordingly, it is recommended that:

R.V.B. - 8: THE STANDARDS SETTING PROCESS FOR DESIGNATED SUBSTANCES SHOULD PROVIDE FOR:

- SETTING CRITERIA FOR SELECTING AND ESTABLISHING PRIORITIES FOR SUBSTANCES FOR DESIGNATION, AND
- ESTABLISHING A MULTIPARTITE PANEL COMPRISING LABOUR UNIONS, EMPLOYER GROUPS, AND GOVERNMENT TO DEVELOP THESE CRITERIA, WITH A RECOGNIZED AUTHORITY TO ACT AS A NEUTRAL CHAIRPERSON.

R.V.B. - 9: ADDITIONAL SUBSTANCES SHOULD NOT BE SELECTED FOR DESIGNATION UNTIL THE PREVIOUS RECOMMENDATION HAS BEEN SUCCESSFULLY IMPLEMENTED.

VI. INTERNAL MANAGEMENT SYSTEMS

This chapter addresses seven internal management systems: planning and budgeting, including both long-range strategic planning and annual planning; crisis management; policy development; operations manuals; management information systems; communications; and legislation development. Each is discussed in a separate section.

A. PLANNING AND BUDGETING

Planning is an essential element of the management task and is performed with varying degrees of formality and intensity by most organizations. It spans a spectrum from long-range strategic planning, at one extreme, to annual planning and budgeting at an intermediate level, to day-to-day planning of routine activities at the other. The following discussion centres on two aspects only, long-range strategic planning, and annual planning and budgeting, including the process for preparing the estimates.

1. Strategic Planning

Strategic management has several special characteristics. It involves the formulation of future directions for an organization, after critical assessment of existing circumstances. It addresses fundamental questions about the future goals and direction of development, in this case, promotion of occupational health and safety, public education, inspections and investigations, enforcement and research. It begins with an assessment of external factors as expressed by the "stakeholders" in the system: workers and their representatives, supervisors, employers, the safety associations, government agencies (notably the Workers' Compensation Board), and the public. It includes an assessment of internal elements as well: the strengths and weaknesses of

the Division; and opportunities to improve service effectiveness, information systems, training programs, costs, resources and needs. It involves those people outside and inside the Division who ultimately have the greatest influence on the system, and on the corporate future of the Division.

In his 1985 report, Dr. James Ham stressed the importance of strategic management of the Division, although under a different label. He referred to the need for the Division to "mount an improved capacity to conduct assessments of technological change and of the related character of work in order to be alert to changes in the map of occupational risks". In effect, Dr. Ham urged that the Division adopt a strategic perspective: the ability to stand back from day-to-day crises in order to examine longer-range fundamental trends in the nature of work, and how workers are likely to be affected, and thus to direct the Division's attention to the development of policies and programs which will address future needs and conditions. It is only within such a perspective that priorities can be wisely directed and resources allocated where they will do the most good.

The starting point in the preparation of a strategic plan is usually the adoption of a basic objective or mission statement. The only statement found by this study was a Division objective recorded in the operations manual: "The promotion and development of a healthful and safe occupational environment for the social and economic benefit of Ontarians." However, the operations manual is an internal, administrative publication, and this statement does not appear to have been widely communicated, or to have been used as a basis for planning. The commitment to formal long-range planning is weak, as evidenced by the absence of an approved planning

process; an apparent lack of interest stemming, in large measure, from a preoccupation with current operations; and the fact that no plan exists.

There is, however, evidence of strategic thinking within the Division as manifest, for example, by the recognition of the growing importance of toxic substances and the new integrated policy that has been developed in response. There are also instances of longer-range plans to address specific issues, such as the three-year staffing plan prepared by the Executive Director's office. Some earlier work conducted in the Standards and Programs Branch was aimed at forecasting the impacts of various levels of resources on the safety of workers as a guide for long-term direction, but this work was overtaken by other priorities.

Since the beginning of this review, further positive steps have been taken. A strategic goal statement has been developed and distributed within the Division. For the first time, strategic plans developed at the Division level will be a required part of the 1987/88 estimates.

Although a number of position descriptions include responsibility for long-term planning, strategy development has been largely confined to a small number of senior staff, and the planning process is informal. The Division does not have a documented, comprehensive long-range plan. While the absence of a formal document is not the critical factor, the major benefit from planning usually being the opportunity for managers at all levels to participate in the process, the lack of a formal procedure and the weak commitment to planning throughout the Division are significant shortcomings.

The introduction of formal strategic planning would yield important benefits. Specifically, it would:

- provide a mechanism for addressing longer-term issues arising from trends and new developments in the workplace, as recommended by Dr. Ham;

- assist the Minister to give policy direction to the Division, to decide on the emphasis to be placed on each of the Division's programs and activities, and the resources to be committed to each;

- help to explain and justify requests to the government for additional resources for the Division;

- provide a forum for managers at all levels, including field personnel, to participate in setting directions and in making important decisions;

- help to generate a sense of common purpose and unity, and a better understanding of the trade-offs that must be made when allocating scarce resources among competing demands;

- provide a context for annual planning and budgeting by the branches and for short-term decisions; and

- facilitate control and permit long-term performance to be measured against the objectives specified in the plan document.

Leadership of the planning process, particularly in defining objectives and in formulating strategies and allocating the resources necessary to ensure their achievement, must come from

the executive head of the Division. The plan itself should not be a static document, but should be amended regularly in response to changes in the working environment and to new policy initiatives from the government.

Accordingly, it is recommended that:

R.VI.A. - 1: THE DIVISION SHOULD INTRODUCE A FORMAL LONG-RANGE STRATEGIC PLANNING PROCESS, SUPPORTED BY A SMALL PLANNING UNIT WHICH WOULD, AMONG OTHER THINGS, MONITOR CONDITIONS IN THE WORKPLACE AND ASSESS RELATED OCCUPATIONAL RISKS.

2. Annual Planning and Budgeting

Budgeting for the Ministry is coordinated by the Director of Financial Management Analysis in the Finance and Administration (F&A) Division. Management Board provides preliminary expenditure guidelines to the Ministry, based on current year's appropriations and any mid-year expenditure increases or decreases. The F&A Division allocates preliminary budgets to the branches which review the levels and prepare estimates of requirements for the next budget year, based on forecasts of workload and program delivery requirements.

Each branch director prepares management by results (MBR) forecasts as a required part of the estimates process, usually with the participation of subordinate managers. MBRs for the branches include measures of performance (visits per medical doctor, inspections per inspector, etc.), as well as indicators of workplace experience, such as fatalities per 100,000 hours worked. These data rely on a retrospective of previous programs and performance, coupled with 18-month forward plans. MBRs and supporting documentation of program and budget estimates are forwarded by the branches to the Standards and

Programs Branch which is responsible for coordinating the Division's estimates process.

The estimates requests are then reviewed by the Executive Director and the senior Division managers, and adjusted, based upon priorities and overall fiscal constraints. The Divisional request is then passed to the F&A Division which coordinates a similar adjustment process by the executive of the Ministry among the Divisions. The final Ministry request, including supporting material for requests for additional funds to support program changes, is sent to Management Board. Management Board responds by providing an approved level of expenditure for the Ministry. Prior to the beginning of the fiscal year, the F&A Division allocates budgets to each of the Divisions and their branches. These budgets are used to manage expenditures during the year through reports provided monthly by the F&A Division to the branches.

The individual branches have adopted different approaches to the delegation of accountability and budget control responsibility. For example, the Special Studies and Services Branch retains all control and monitoring responsibility in the Director's office, while the Occupational Health Branch has delegated this responsibility to a lower level.

Each step in this process is well defined and understood. The process is completed effectively by the branches and the Division within the required time. The preparation of budgets is well done and the MBR reports from the Division have been given high marks by Management Board.

The budget development process has suffered from the absence of long-range strategic plans which would give direction to the re-allocation of resources, and from the lack of automated information systems which would reduce the effort to prepare

and justify budget requests. Strategic plans will be available for the 1987/88 estimates process.

Closely related to the budget process is the subject of signing authorities for expenditures covered by the budget. Prior to September, 1986, management felt that too much of the signing authority for the Division was centered in the offices of the Executive Director and the Assistant Deputy Minister. At that time, additional signing authorities were delegated to the branch directors. This is a positive step in achieving a balance between accountability for a program and authority to commit the required resources.

The result of this recent action has been an increase in morale at the middle management levels, a decrease in workload at senior levels, and a decrease in paper flow to and from the Executive Director's office.

B. CRISIS MANAGEMENT

Crisis management was formally adopted by the Division as a means of coping with exceptional problems. It comprises a set of procedures by which the Executive Director and his senior staff can be informed promptly concerning the circumstances of a critical event, and can respond quickly from an informed position to ensure its resolution. The introduction of such a system is entirely appropriate, particularly in organizations which can be faced with life threatening situations, such as a chemical spill, a nuclear power plant leak, or a natural disaster. It can also be highly effective as in the case of the Tylenol deaths in the U.S. when the manufacturer, Johnson & Johnson, had in place a set of procedures to deal with just such an emergency. The company responded calmly and purposefully, and did not withdraw the product from the market. The

result has been a restoration of public confidence and the preservation of a profitable and useful product.

There is a significant difference between reacting to events which cannot be properly addressed within the normal procedures of the organization, as described above, and reacting to situations for which procedures are in place and for which resources are provided. The former circumstances require a 'crisis management' process while the latter require good communications and management through normal channels.

The definition of a 'crisis' is the key. The Minister and Deputy Minister, and not the Division, will largely determine whether an event should be treated as a 'crisis'. In our interviews with inspectors and managers, they indicated that the problem with crisis management in the Division is that it has been applied in situations that were not really crises, and it has come to be seen to be the normal response to certain situations, rather than a means of dealing with true emergencies. For example, crisis management has been used to respond to situations raised in the Legislature or in the media, to problems raised by the Minister, and to complaints received from the public. While these interventions may have been successful, the intended purpose of crisis management is to deal with major accidents, or with risks in the workplace which urgently require control. While it is entirely possible that the former may reflect the latter, it should not be immediately assumed that this is the case. The appropriate response to most questions raised in the Legislature, in the media, or from complaints is to investigate the problem as prescribed by established operating procedures, using local resources and whatever backup specialists may be indicated in the circumstances. Excessive use of crisis management decreases its effectiveness by reducing the urgency and significance of the

process. Senior managers, the Minister and the Deputy Minister must fully understand and agree on the criteria which will govern the application of crisis management, and communicate them to the staff of the Division.

Crisis management is expensive; it ties up the time of the Executive Director, the branch directors and senior people, detracting from their ability to plan and to manage the Division. It interferes with the routine work of inspectors who are called in to answer questions or to perform special duties. Moreover, if the inspector does not believe a real crisis exists, his confidence in the system and in the Division and, sometimes, in his own ability, will be shaken.

To a significant degree, the "problem" with crisis management may be really a symptom of a deeper issue - loss of confidence in the Division. When normal channels are not used by external parties, special measures must be invoked, in this case, crisis management. When such measures are used repeatedly, or inappropriately, they can become the normal mode of response. Certainly it would be an exaggeration to say that this has happened, but it is not an exaggeration to state that there is a schism between the field and Head Office and that there has been a loss of confidence in one another. The longer this situation is allowed to persist, the worse it will become; it has a "snowball" effect because, as more time is spent responding to crises, less time is available to correct the real problem.

The solution lies in the adoption of the recommendations in this report which will strengthen organization and management. In the meantime, crisis management should be retained, but used only in response to real emergencies. Also, as the term "crisis management" imples "management in crisis", rather than an orderly method of

response to crisis situations, the procedure should be renamed. Accordingly, it is recommended that:

R.VI.B. - 1: PROCEDURES TO DEAL WITH CRISES SHOULD BE RETAINED AND RULES SHOULD BE LAID DOWN DEFINING THE CIRCUMSTANCES WHERE THEY ARE APPROPRIATE. IN ALL OTHER SITUATIONS, PROBLEMS SHOULD BE RESOLVED THROUGH THE LINE ORGANIZATION, USING STANDARD PRACTICES AND PROCEDURES.

C. POLICY DEVELOPMENT

A policy has been defined as "a standing answer to a recurring question". Policies result in more efficient administration by eliminating the need to repeatedly address similar questions, and by giving guidance and direction to employees, clients and the public. Policies are needed at all levels; major policies affecting overall operations and client services must be developed and approved by senior managers, including the Deputy and the Minister. Policies specific to a branch or a local office may be developed and approved at lower levels. When drafting policies, care must be taken to ensure precision, clarity and practicality in application. Policies must be communicated widely and, sometimes, detailed explanations and training are needed to ensure understanding, acceptance and commitment. The foregoing criteria have been used to assess the policy development processes in the Division.

The Division, in its current form, was created through the amalgamation of sections from other Ministries. Each of these brought with them their own policies, procedures, priorities and special relationships with their client groups. Initially, these sections continued to conform to the policies of the Ministries from which they came, which were sometimes in conflict with the Division's policies.

The development of formal, documented policies for the Division began in 1983 with the establishment of the Executive Director's office. A list of issues requiring policy direction was created in response to the branch directors' needs, and the Program Development Unit was given responsibility for coordinating policy development and for disseminating Division-wide policies to the field.

1. <u>The Policy Development Procedure Is Effective, Although Slow</u>

   The Program Development Unit identifies requirements for revisions to policies, the consolidation of branch policies and the development of new policies; prepares position papers; and submits the papers to the Division Executive Committee. The Division Executive Committee reviews each issue, approves development, and refers the policy paper to the appropriate standing committee.

   Each standing committee has generic terms of reference, and is chaired by one of the branch directors. For each project, specific terms of reference are developed; analysts and research staff are assigned, and field representatives from all branches and levels of the Division are selected to participate.

   Draft policies developed by the committees are circulated for comment to those who will be affected by the policy. The resulting recommendations are passed to the Division Executive Committee for approval. The Deputy's endorsement is then obtained, and the Minister's, if required by the nature of the policy. Several iterations may be necessary, and any concerns are referred back to the standing committees for clarification or alteration. Following final approval, the Program

Development Unit distributes the policy, using the operations manuals, and arranges for any training that may be required.

The process works well and a number of significant policies have been introduced within the last year, for example, the enforcement, orders, and complaints policies. In general, these policies have received acceptance in the field, and have resulted in consistency from branch to branch. However, the process is slow and consumes valuable field resources.

- The prosecution policy project required 50 person-days of field staff time at standing committee meetings, not including analyst and support staff preparation time. Expenses were incurred for travel from Windsor, London and St. Catharines and from offices in Metro Toronto.

- The notification procedure project similarly required 50 person-days, plus review time and travel costs.

The elapsed time needed to develop policies under the current procedure is of particular concern since there are several issues in need of policy direction, including the appeals procedure, refusals to work and release of information. This suggests that other, faster procedures should be considered.

2. <u>An Alternative Approach to Policy Development</u>

The standing committees now used to develop policies allow all levels of field personnel to participate, and this feature should be retained. However, experience has shown that the response to draft policies from committee members has been poor, and the process consumes a lot of their time which might better be spent elsewhere. Moreover, some committee members not accustomed to committee work, or to the abstract nature of

policy development, may feel uncomfortable in this setting. An alternative would be to achieve participation in policy development by sending analysts to the field to interview a representative cross section of employees, rather than by using standing committees. The advantages would be that only the analyst would have to travel; input could be obtained from more people in less time; the analyst would gain first hand knowledge of field conditions; administrative arrangements would be simpler; and there would be less disruption of day-to-day field activities. As there are benefits to group discussion and debate that cannot be achieved through one-on-one interviews, a combination of the two approaches could also be considered. The main point is that the process should be accelerated and streamlined, where possible, and it is, therefore, recommended that:

R.VI.C. - 1: THE PROCEDURE FOR DEVELOPING POLICIES SHOULD BE MODIFIED TO ACCELERATE THE PROCESS, WHILE RETAINING AND IMPROVING THE QUALITY OF FIELD INPUT. A TIMETABLE AND WORK PLAN SHOULD BE INTRODUCED TO EXPEDITE THE COMPLETION OF ALL OUTSTANDING POLICIES.

D. OPERATIONS MANUALS

Operations manuals for the three line branches, and material to update the manuals, are distributed by the Standards and Programs Branch, on instructions from the branch directors' offices. The physical format is similar, suitable for carrying in the field for reference, but the contents are different, not only in the topics specific to the branch, but in topics which are generally applicable.

All manuals contain the most recent division-wide policies and procedures. The sections on organization are weak.

The Occupational Health Branch uses a totally different format and is under the full control of the Branch. It is up-to-date, with additions and alterations issued regularly, and is of high quality.

E. MANAGEMENT INFORMATION SYSTEMS

All large, complex organizations depend upon the accurate, timely flow of information, both internally and between the organization and external bodies. This is certainly true of the Division which, as a service organization, has no tangible products, but functions by gathering, analyzing and dispersing information. It is truly an information processing organization and its effectiveness is, therefore, dependent, in large measure, on the extent and quality of its information systems.

The rapid changes which are taking place in society and the complexities of the workplace environment demand short response times and the ability to handle huge volumes of information. The nature of these demands arises from the growth in the number of workplaces; the proliferation of toxic substances, which has added a whole new dimension to occupational health; the concerns of society for a cleaner and safer work environment; and the insistence on instant responses to requests for information.

These expectations can be met only by well designed information systems, using the appropriate computer technology. Computer-based systems not only store information and regurgitate it when required; they also assist managers to make wise decisions through analytic

processes. In the case of the Division, which is a labour-intensive organization, such decisions will frequently relate to the deployment of human resources in a manner that will optimize their utility. But numerous other important applications can be envisioned, such as analyses of the effects of toxins in the workplace. The quality of computer-based information systems has a major effect on the ability of the Division to meet its legislated mandate.

In this respect, the Division is deficient. It has information systems and technology which are almost two decades out of date - an eternity by current industry standards. Some of the problems will be discussed in this chapter, accompanied by recommendations for short-term improvements. The central theme is that a major overhaul is needed and, accordingly, the principal recommendation is that:

R.VI.E. - 1: AS A TOP PRIORITY, THE DIVISION'S INFORMATION SYSTEMS AND COMPUTER TECHNOLOGY SHOULD BE REVIEWED AND MODERNIZED TO MEET THE NEEDS OF USERS, CONSISTENT WITH THE DIVISION'S ROLE AND ORGANIZATION DESCRIBED IN THIS REPORT.

While this need had been recognized by the Division, lack of funds precluded significant action prior to this study. Recently, a new Executive Director of the Finance and Administration Division and a new Director of Management Information Systems have been appointed; comprehensive plans for the utilization of information technology and systems are being prepared to justify the required funding. These are all steps in the right direction. They should be supported strongly.

Substantial funding will be required, but the investment is essential. An effective management information system to support managers at all levels, and inspectors in the field, is critical to

the successful implementation of recommendations in this report. It is also essential to restore full confidence in the Division.

1. Minister's and Deputy Minister's Needs for Information

The Minister's and Deputy Minister's information requirements flow from their different responsibilities. In general, these are:

- The Minister's office needs information related to questions of public interest.

- The Deputy Minister's office needs information related to monitoring the operational effectiveness of the Ministry, including the Division.

These needs should be satisfied from a common information base, although the Minister's and Deputy Minister's (the Deputy's) interpretation or use of the information may differ. Because of this reliance on a common base, its suitability to serve both users is discussed as a single topic.

a. Minister's Office Information Requirements

The Minister's office makes information requests which are based on questions raised in the Legislature. It is reasonable to expect the Division to answer these questions but, based on current information technology in the industry, the Division has difficulty in responding to such queries. For example, the Minister was asked in the Legislature about the number of prosecutions underway; it took one and a half weeks to determine the answer. A sound information system should be able to provide this information in a fraction of the time, without needing to contact operating staff.

To compensate for the systems' deficiencies, Divisional, field and Head Office staff, and the Minister's office staff, manually assemble information, often under tight time constraints, creating a high stress environment.

This situation is exacerbated by the following:

- Duplicate requests for information

  Staff at the branch level receive calls from multiple sources, inquiring about the same problem. For example, the Manager of Information and Analysis will initiate requests for specific information in anticipation of a future requirement. At the same time, the Minister's office or the Executive Director's office will request the identical information and will bypass the Manager of Information and Analysis. This has the effect of initiating a second request, just slightly different from the original, and results in the unnecessary use of additional manpower.

- Failure of the Minister's office to assign priorities to information requests

  Priorities are not assigned to information requests sent to the Division; however, the Minister's office has asked that every request it initiates be treated as a priority.

  When there are multiple requests for information, with no priorities assigned and a tight time constraint, (a routine occurrence), the result is one of the following:

- the research staff assign priorities which may or may not coincide with those of the Minister's office;

- the Division assigns sufficient resources to satisfy all of the requests in the given time, thereby taking staff from their regular duties; or,

- if sufficient resources are not available and priorities are not established, an inadequate response may be made to some or all of the requests.

In fact, what happens is a combination of all of the above in that staff are taken from their regular duties, priorities are assigned as necessary, and compromises are made when all else fails. While we recognize that these actions are necessary to satisfy the information requests under the circumstances, it is the failure of the Minister's office to assign priorities which requires the Division to operate in this way.

It has been estimated that a total of 22 person years and over $1 million is required each year to support the information gathering needs of the Minister. This activity affects everyone, from Head Office staff, through field staff, right down to the inspectorate.

The Minister's staff concede that often there are very tight time demands which can limit the quality of some responses. While the Minister's staff may understand and accept that this is occurring, and that compromises are made in the responses, the

Division's performance suffers because personnel are removed from their regular duties. In addition, the staff feel their standards have been compromised by not allowing them sufficient time to properly complete the assigned task.

- Artificial Deadlines

  Artificial deadlines are sometimes created in the Minister's office. This further erodes the time available for staff to devote to their regular duties.

- Requests for information cover a wide range of activities

  Whereas the Minister receives only information which is critically important to him at the time, his office receives a larger volume of data. For example, the Minister's special assistant requests detailed information, primarily triggered by media stories or comments by members of the opposition in the House. Important findings are relayed to the Minister.

As a result, significant amounts of time and effort are expended on requests which ultimately are not deemed to be critical, while other important field work suffers.

- Insufficient notice for information: last minute requests

  Last minute requests for information from the Minister's office are made frequently, thus adding stress to an already difficult situation.

While recognizing that the information needs of the Minister's office cannot be governed by a cost-benefit analysis, efforts could be made to weigh the probable costs and disruption associated with obtaining information against the anticipated benefits. If the work load, tight time constraints and artificial deadlines are alleviated, the field staff will be more productive. In addition, if all information requests are funneled through the appropriate channels, the probability of duplicate requests will be significantly decreased. It is, therefore, recommended that:

R.VI.E - 2: REQUESTS FOR INFORMATION FROM THE MINISTER'S OFFICE SHOULD BE MADE THROUGH DEFINED ORGANIZATION CHANNELS. DEADLINES, SCOPE AND SIGNIFICANCE OF REQUESTS SHOULD RECEIVE APPROPRIATE APPROVAL WITHIN THE MINISTER'S OFFICE.

b. Administrative Needs for Information

The administrative management information currently provided to the Deputy is neither complete nor timely. Monthly management information consists of human resource reporting, financial analysis reports, and MBR (Management by Results) reports.

Available information cannot be analyzed easily for planning and decision making since it is not properly integrated to show trends and relationships. For example, efforts made in specific industries to improve occupational health cannot be measured against claims statistics of the Workers' Compensation Board.

Appropriate performance indicators are not available to the Deputy Minister and senior executives in the Division. The current financial analysis reports do not convey as much useful management information as is feasible.

The existing system is having difficulty coping with the increased information demands of the Minister and the Deputy. This problem stems from the fact that it is primarily a manual system, and from lack of integration of information. These shortcomings make it difficult to provide the timely and accurate management information needed to effectively manage the Division and the Ministry. The same shortcomings also make it difficult to respond to the time-sensitive information demands of the Minister.

The solution to these problems lies in a major improvement in management information systems and information processing technology, as recommended at the beginning of this chapter.

2. Information Availability and Technology

The availability of information to managers in the Division, from the Assistant Deputy Minister and Executive Director through to the field offices and the inspectorate, is discussed in this sub-section.

The adequacy of information procedures and technology was examined from two perspectives: information availability and information technology. Information availability refers to the content of information, whereas information technology refers to the mechanics used to deliver it, including computer hardware and software.

a. Information Availability

The availability of information depends on the existence of a data base and the ability to access that data base.

Existence of a Data Base

There is a data base composed of manually produced documents. These documents are used to update a batch-driven computer system in the manner shown in Exhibit 10, opposite page 170.

Not all sites which should be inspected are listed in the data base. For example, some of the industrial sites which should be inspected are excluded, despite the efforts of the Industrial Health and Safety Branch. This hampers the ability to measure the comprehensiveness of service delivery.

Division staff at all levels feel that other extremely important information is missing from this data base, for example:

EXHIBIT 8

SUMMARY OF INFORMATION SYSTEMS SHORTCOMINGS (FEBRUARY, 1985)

PROBLEMS CITED BY MOST RESPONDENTS

INFORMATION AVAILABILITY

Lack of Information

- Relevant information is lacking:
- No decision tools are available re:
  - scheduling inspections
  - evaluating alternatives
  - utilization of resources

Unreliable or Late Information

- Too much information is:
  - late
  - inaccurate
  - incomplete
  - inconsistent
- Particular problems with:
  - integration/ reconciliation with WCB information
  - late report delivery
  - lack of exception reports
  - irrelevant information
  - program results "measurement"
  - access to Legal Branch

Other

- Report formats are poor
  - breakdowns
  - layouts
- Systems are too cumbersome.
- Users are not properly trained.

INFORMATION TECHNOLOGY

Manual Systems

- Excess paperwork a major constraint to effectiveness.
- Filing and retrieval are the major problems.
- Bring forward system is poor.
- Simpler input forms are required.
- Considerable duplication/ redundancy exist.
- Too much time is spent looking for information, files, records.

Data Processing

- System is inadequate.
- Terminals in field are required.
- Poor understanding of print-outs.

Office Systems

- Microcomputer acquisition has been too slow.
- Insufficient word processing exists.
- Electronic filing is required.
- Poor access to external data bases
  - WCB
  - MNR
  - CCOHS
  - news services
  - scientific literature
- Require improved access to decision-makers

- orders complied with and the manner of compliance,

- details of companies with strategies to control toxic substances,

- work-related diseases, and

- potentially useful information from external data bases, such as WCB, other Ministries, scientific literature and news services.

More details of the requirements of each branch are shown as Exhibits 8 and 9, opposite and overleaf.

Furthermore, Division staff at all levels feel that the information in the data base is late, inaccurate, or incomplete, particularly, with regard to:

- fatalities,
- critical accidents,
- WCB information,
- program results measurement, and
- details of investigations.

These deficiencies are explained further in Exhibit 8.

All decisions regarding scheduling of inspection visits and the deployment of inspectors must be made without the assistance of computer-based systems. Since the potential data base is very extensive, and the decisions extremely complex, it is likely that the coverage of sites is unsatisfactory.

EXHIBIT 9

PROBLEMS CITED BY MOST RESPONDENTS

PROBLEMS CITED BY INDIVIDUAL UNITS (FEBRUARY 1985)

F&A Division

- Better branch linkages re
  - budgets
  - financial statements
  - operating plans
  - procedures manual
  - feedback
- Improved
  - LFIS system
  - budget process
  - human resources planning and control
  - training for users.
- Faster information flow through
  - priority-setting
  - more support staff
  - technology use
- Means of integrating overview of company to gain quick access.

OHSD Division

- Accidents, standard industrial practices information especially re:
  - chemicals
  - controls
  - toxic substances
- Integration with WCB
- Better
  - writing skills (re. current issues)
  - info retrieval
  - linkage between same company data (different branches).

Construction Branch

- Reliable comparative statistics e.g.
  - inspections
  - consultations
  - investigations
  - accident frequency
  - causal analysis
  - high hazard areas
  - equipment on sites.
- More timely information
  - re prosecutions
  - from field
  - to employer
  - to unions
  - from WCB
  - re project activities
  - regulations
  - chemical compounds
- Feedback re
  - budget
  - actual results
  - budget planning
  - training needed

Industrial Branch

- Better information re:
  - chemical hazards
  - industrial hazards
  - effect of program on fatalities, accidents
  - regional programs
  - violations, prosecutions
- Decision tools re:
  - inspection frequency
  - inspection effectiveness
  - problem companies
  - priority development
- Access directly to WCB data
- Systems to
  - link up between field and H.O.
  - retrieve individual files quickly
  - all direct entry of inspection data

Mining Branch

- Technical information data base.
- Accident/unusual occurrence data base.
- Decision tools for:
  - inspection strategies
  - manpower deployment
- Improved
  - manual system
  - filing system
- Manpower deployment tools.
- Cost-indicator models.
- Access to MMR data base.
- Training records.
- National mines accident data base.
- Hazard identification tracking.
- Automated budgeting and reporting
- Access to WCB data bases.

Stds and Programs

- Integration with WCB re
  - firms registered
  - injuries
  - compensation
  - OHSD branches (3) information
  - PAE filing
- Reconciliation of data
  - Ont. Mining Association
  - WCB

Special Studies

- Access to data bases
  - scientific literature
- Data on work-related diseases.
- Details of companies with strategies re control of work-related diseases
- Improved tools for:
  - project control
  - b/f system
  - decision-making
  - graphics
  - electronic filing
- Improved
  - data analysis
  - w.p.
  - budget and forecasting
  - telecommunications

OHB

- Full implementation of MESU
- Improved means of:
  - transferring hard copies
  - electronic mail
  - workload planning
  - responding to questions
  - communication with HO
- More
  - staff
  - equipment
  - training

The forms used to assemble the data base are administered and processed differently in each branch, region, and district.

The inspectors have to inspect a large number of sites and investigate many different things at each site. The continual increase in the complexity of their work is a source of considerable concern, yet they do not have checklists to ensure that their coverage is complete, and their findings consistent with those of other inspectors, and understood at regional offices and Head Office.

Access to the Data Base

Inspectors in all branches receive printouts every two weeks listing the sites to be inspected, and usually visit their field offices once a week to submit and pull company files. Thus, by the time an inspector receives a computer printout of work outstanding, it can be between 2 and 5 weeks old, as demonstrated in Exhibit 10, overleaf.

This cumbersome system is at the root of complaints that information is inaccurate or late. Furthermore, Head Office management and the Legal Branch must hand-assemble information from two or three files to gain an overview of cases or companies because:

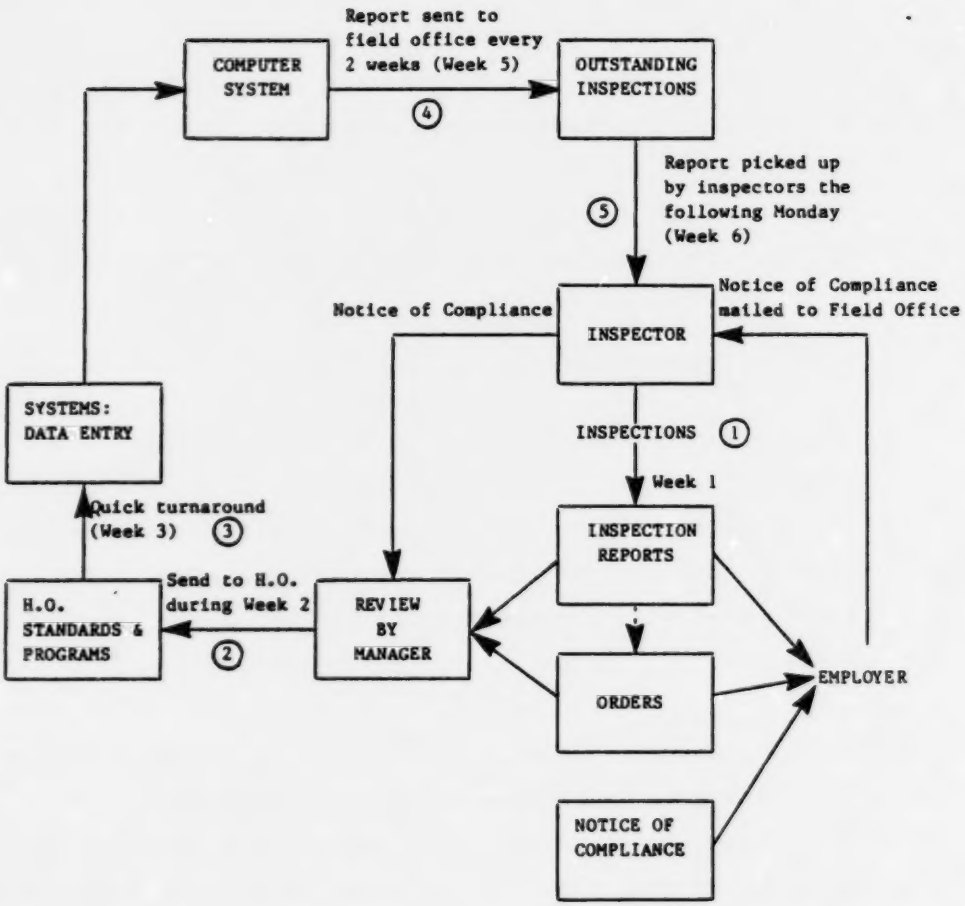
- only one up-to-date manual file of a case under investigation exists at any given time, and

- inspectors' copies of source documents are sometimes unreadable.

EXHIBIT 10

INDUSTRIAL BRANCH

COMPUTER UPDATE PROCEDURE



Note: Process begins with an inspection: See (1) and proceeds through to (5).

Example

- Inspection Monday, September 1.
- Return paperwork to field office Monday, September 8.
- Review by Manager during week of September 8-12.
- Forward to H.O., say, Wednesday, September 10.
- Review and correct by Standards and Programs (quite conceivably miss the Monday, September 15 cutoff).
- Next computer report produced on Tuesday, September 30 run.
- Computer report to the field office Thursday, October 2.
- Computer report picked up by inspector Monday, October 6.
- The September 1 inspection does not show up in the follow-up report until over a month later (5 weeks.)

The recent production of company profiles has alleviated some of these problems, but more remains to be done.

The Legal Branch is not in a position to respond quickly and effectively to requests for information because:

- The Branch's files are structured chronologically, whereas requests usually relate to a company, or an individual, or an incident within a company, necessitating a lengthy search of chronological files to obtain information.

- Some inquiries directed to the Legal Branch require the Branch to consult the field organization for information.

As a result, the Legal Branch spends time assembling information which could be made available more efficiently if organized and indexed in the same fashion as in the branches.

Since the Legal Branch does not keep conviction records by company, it is difficult for a company's complete conviction history to be identified quickly. In fact, the conviction records are filed in the field office nearest the plant involved. Thus, the records of multi-plant companies may be dispersed throughout the Province. Consequently, the lawyer handling a case must rely on memory, or informal records, and is constrained in his or her ability to bring a company's conviction history to the attention of the judge. This affects the Ministry's ability to obtain an appropriate sentence from the judge.

Pending the introduction of major new computer-based case management and integrated office systems, there are interim steps which can be taken and it is recommended that:

R.VI.E. - 3: MANUAL SYSTEMS SHOULD BE REVIEWED AND STANDARDIZED, WHERE APPROPRIATE, RECOGNIZING THE DIFFERENCES WHICH EXIST BETWEEN BRANCHES, TO FACILITATE ACCESS TO INFORMATION.

b. Information Technology

The computer technology employed by the Division is outdated for the following reasons:

- inefficient paper-based systems predominate,
- cumbersome batch systems limit systems access, information currency, and response times,
- computer systems produce few benefits relative to the technology available today, and
- systems to facilitate strategic management and decision making are not utilized, (e.g. deployment of inspectors or trends in the workplace).

Users are very critical of all aspects of the existing state of information technology, and the Division has taken steps to remedy the problem. Many external studies of Ministry and Division systems have been completed in recent years. All point to major deficiencies, but little has changed. The Division's various automation proposals have not been accepted by the Ministry. Examples are:

- the Mary Audia Report which used a data-oriented approach to systems planning,

- the Langstaff report recommending that inspectors be given on-line terminals,

- the special studies office automation proposal, and

- proposals from the Construction Health and Safety Branch recommending how automation could be applied.

In addition, the Ministry engaged consultants to study strategic information systems planning. The report, which provided a detailed identification of systems improvement opportunities, was completed in October, 1985.

Because such proposals were not implemented, and sufficient "stop-gap" word processing or microcomputer technology was not acquired, users are frustrated. As it will take two years or more to introduce major improvements in information technology, it is recommended that:

R.VI.E. - 4: INTERIM SYSTEMS CHANGES, INCLUDING THE USE OF PERSONAL COMPUTERS, SHOULD BE ADOPTED TO BRIDGE THE GAP UNTIL MAJOR SYSTEMS IMPROVEMENTS ARE IMPLEMENTED.

A data base, with on-line technology, has not been developed. This severely limits the ability to access up-to-date information, and for several people to access information concurrently. Improved technology would minimize duplication of entries, for example, through the use of one central, current name and address file.

Potential savings from advanced information technology are available, but have not been realized. These savings would result from:

- reducing manual effort,

- making better use of the time of scarce, high-salaried senior staff, and

- increasing the productivity of inspectors.

These observations point to the need for a major overhaul and improvement of information technology systems and hardware. This is a significant project; it will take time to implement, and it will probably be at least two years before significant benefits begin to accrue. In the meantime, the systems which are in place can be used more effectively. For example, maximum benefits are not being obtained from the limited number of microcomputers in use (e.g. five in the Legal Branch). Users, and particularly inspectors, cannot understand some of the abbreviations for designated substances and for company profile reports; they have limited computer literacy. Also, the level of skills within the Systems Branch, in line with the systems themselves, is also restricted.

Recent information systems planning within the Division has begun to yield results. Existing plans indicate that the Division is moving in the right direction, as evidenced by the move toward a top-down, data-oriented approach to systems planning, a major restructuring of the Management Information Systems group, and the recognition of the significance of the information resource to the Division.

There is no integration between systems; like many of the functions in the Division, they are perceived as self-contained entities, although, again, it is understood that plans are in place to address this situation. In the meantime, short-term improvements are possible. For example, proposed case management and prosecution systems in the Legal Branch and the line branches should be integrated. Accordingly, it is recommended that:

R.VI.E. - 5: THE PROPOSED CASE MANAGEMENT AND PROSECUTION SYSTEMS IN THE LEGAL BRANCH SHOULD BE INTEGRATED WITH THOSE PROPOSED FOR THE DIVISION.

The existing manual systems are inefficient. They are responsible for the problems surrounding availability. They are costly because of the number of times information must be entered, verified, reconciled and assembled by hand; the process is also error-prone and documents can easily be lost. The manual systems cannot produce timely or up-to-date information and, as the inspection process becomes more complex, the inefficiencies will be more evident and more serious.

Management information systems and information technology must be a high priority in any organization, and particularly, in the Division, where the efficiency and effectiveness of the inspectors is being challenged. Complaints about the inspection process, the capacity to plan workloads, and access to timely and accurate information, are all symptoms of an underlying problem - inadequate management information systems and information technology.

Notwithstanding the time required to implement a major systems change and the expense involved, a modern information system is essential to facilitate innovation and creativity in the inspection process.

F. COMMUNICATIONS

1. Formal Internal Communications

Formal communications within the Division occur between managers and staff at all levels. Communication is especially important between Head Office and the field. For example, the intent of management decisions and policies must be understood by the field, and the realities of field work must be understood by Head Office. These communications can be accomplished in a number of ways, including policy directives, operating manuals, staff meetings, newsletters and conferences.

a. The Mechanics For Successful Communications Are In Place

Monthly meetings are normally held at all levels. For example, the Head Office managers meet with the regional or area administrators and they, in turn, meet with their branch director. These meetings provide an opportunity to share information, to accept input from the field and forward it to those concerned, and to explain policies developed centrally to those responsible for their implementation.

A newsletter is published about five times a year. It contains an appropriate balance of personal and business information.

Annual conferences are held regularly by the line branches. In the Industrial Branch, annual conferences are held separately for each area, because the size of the Branch makes a combined conference impractical. Conferences allow inspectors to hear speakers on topics of special interest, and to rub shoulders with peers whom they would not normally meet.

b. There is Still a Communications Gap Between Head Office and the Field

Interviews have confirmed that field staff believe that Head Office does not understand the realities of the inspection process. There have been instances of decisions being made at Head Office and not communicated to the inspectorate, although the field would be directly affected. The inspectorate believes that this occurs because of a lack of understanding by Head Office.

Although meetings are held to allow suggestions or information to flow from the inspectors, they do not feel that their suggestions are received seriously, or acted upon. For example, the Operational Improvement Committee presented a report to the Chairman of the Committee over two years ago. There is no indication at the field level that any action was taken on the report.

The communication gap between Head Office and the field also creates suspicion and anxiety. For example, the Minister recently requested a survey to identify the existence of toxic substances in the workplace and to

determine whether joint health and safety committees were in place. A questionnaire was drawn up in response. Discussions took place and work was performed at Head Office two months prior to the mailing of the questionnaire. A decision was made to include the survey in a WCB mailing at the beginning of September. There was a rush to meet deadlines for printing and distribution. The field staff in the line branches were not notified of its existence until after the questionnaire had been mailed. Personnel at the Standards and Programs Branch, who were to analyze the questionnaire results, were also notified at this time. The lack of awareness and involvement of these groups had a demoralizing effect. There were immediate negative reactions to the tone, format, and survey questions. This might not have occurred had these groups been made aware of the project in advance.

The reaction from the field staff at the inspector level was of greater significance. They wondered whether the questionnaire was being used to check the results of their inspections, and whether they would face disciplinary action if their inspection reports showed results different from the survey. While Head Office clearly had no such intent, the repercussions of this lack of effective communication caused feelings of anxiety and suspicion in the field.

c. Information Technology Has Not Been Used as a Means of Bridging the Communications Gap

The Division faces particular problems of communication due to its widely dispersed field staff. The present

system relies heavily on traditional communications techniques, which are not adequate to address the special needs of the Division.

For example, electronic mail between head office and the field offices would allow timely and simultaneous issuance of new policies, procedures, and practices to the inspectorate. Document transmission facilities, such as FAX, could also be used to send copies of important documents or correspondence from the field to the Legal Branch.

Poor communications contribute to a lack of team spirit between Head Office and the field, to inconsistent application of policy and procedure, and to lack of commitment to decisions emanating from Head Office.

While team spirit varies from good to poor in the local offices, the "we-they" mood between Head Office and the field is more pronounced than it should be. In many cases, the lack of effective communication merely results in misinterpretation of policies or procedures, leading to inconsistency in their application. In other cases, it results in a lack of commitment to decisions, thus compromising delivery of the Division's programs.

Elsewhere in this report recommendations are made to regionalize the Division's operations, and this change will help to strengthen communications with the field. In addition, steps should be taken by branch directors, area and regional managers, and local office managers to improve communications.

This activity is important; it should be planned and deliberate, and not left to chance. Conferences, seminars, workshops, newsletters, policy directives and the application of newer technology are all important, but regular face-to-face contact between managers and their subordinates is also needed. Accordingly, it is recommended that:

R.VI.F. - 1: PROVISION SHOULD BE MADE IN ANNUAL PLANS AND BUDGETS FOR ACTIVITIES THAT WILL IMPROVE COMMUNICATIONS; AND MANAGERS SHOULD BE EVALUATED ON THEIR PERFORMANCE IN COMMUNICATING WITH THEIR SUPERIORS AND SUBORDINATES AS PART OF THE NORMAL PERFORMANCE REVIEW PROCESS.

2. External Communications Take Many Forms

External communications take place with a wide variety of contacts. Employers, unions and joint health and safety committees must be kept informed concerning the Division's activities and be given the opportunity to participate in the development of regulations. The public, the press, and the political arena comprise a second category of contacts. Academics and professionals actively involved in occupational health and safety, and similar enforcement agencies in other jurisdictions, must exchange information of an administrative, research or technical nature. They comprise a third group.

The telephone is an important means of communication between the field offices and clients. The first point of contact with the Division in dealing with investigations and information requests is often by telephone. In most field offices, telephone answering duties are performed by administrative staff, working on a rotating basis. They receive no special training and perceive this aspect of their work as an unwanted duty. There are complaints by field staff with respect to the

quality of service rendered by telephone and, at least in one office, the inspectors now rotate this duty among themselves to ensure that competent advice is provided to the public. Therefore, it is recommended that:

R.VI.F. - 2: A POSITION SHOULD BE ESTABLISHED IN EACH FIELD OFFICE WITH RESPONSIBILITY FOR ANSWERING THE TELEPHONE. PERSONNEL PERFORMING THIS TASK SHOULD BE TRAINED IN THE ACTIVITIES OF THE DIVISION IN ORDER TO MAKE APPROPRIATE RESPONSES AND REFERRALS.

The Division makes direct contact by mail with targeted clients concerning hazard alerts, regulation reviews, and toxic substances programs. The provision of this information is appropriate; however, the mailing lists are not complete. They are developed from client inspection files, industry association mailing lists, previous responses to regulations, and replies to newspaper advertising. A major improvement in the lists can be achieved after adoption of 'right to know' legislation which will require employers to file toxic substances inventories.

The Division has had a long-standing proposal to publish a newsletter for external distribution to client companies concerning topical material and revisions to legislation. This idea has merit in that it will improve the 'presence' of the Division and provide a valuable communications channel. However, to date, funding has not been made available.

It is recommended that:

R.VI.F. - 3: THE PROPOSED CLIENT NEWSLETTER SHOULD BE FUNDED AND PUBLISHED REGULARLY.

Contacts with academics are made through the Assistant Deputy Minister's office and the lottery funds programs. Occupational health is not of widespread interest in Ontario universities, but interest is developing, and the Ministry is now funding five resource centres. Contacts with academics, safety associations and other jurisdictions are made on an individual basis by personnel in the branches, and relationships are well developed.

Official communications with the press are handled through the Communications Branch in the Finance & Administration Division. A policy is being developed by the Program Development Unit so that all personnel will understand how to respond in contacts with the press.

There is evidence of substantial effort in strengthening communications with the client groups, but there is significant room for improvement, particularly in the dissemination of educational material. The recommended formation of the Promotion and Prevention Branch will facilitate and improve these communications.

G. LEGISLATION DEVELOPMENT

Identifying, developing and implementing changes to the Act and the regulations is a vital role of the Head Office staff of the Division. Investigations have revealed well coordinated progress in the development of a limited number of toxic substance regulations, slow progress in other initiatives, such as the agricultural sector regulations, and reasonable progress in identifying improvements to the Act. The program would be facilitated by a long-range integrated plan defining philosophical direction, priorities and timetables. Such planning is difficult due to the lack of a defined

direction with respect to the toxic regulations and to pending changes to the Act. The ability to develop such a plan is further complicated since responsibility is split among a number of organizational units.

With any new legislation, such as the Occupational Health and Safety Act of 1979, it can be expected that fine tuning will be required to achieve a fully effective and enforceable law. Over the last seven years, weaknesses in the Act and regulations have been revealed as the legislation was applied. At the same time, there have been new initiatives designed to cover a broader range of clientele, and to protect workers against dangers arising from new processes and materials, and from hazards revealed through research. The Division has recognized the need for changes in the Act and has made recommendations to the Minister.

However, the current division of responsibilities will make it difficult to develop and implement supporting regulations in a timely manner. It is the responsibility of the Strategic Planning Unit to recognize legislative needs and to set priorities for the revision of the statute and the development of new legislation. Responsibility for developing regulations is split. Toxic substance regulations are developed by the Program Development Unit; regulations pertaining to other matters are the responsibility of the Standards and Programs Branch. Furthermore, the Mining Branch conducts an ongoing program of mining regulation development, on a tripartite basis, with industry and labour, and with administrative support from the Standards and Programs Branch.

All of the regulations must be published in the Gazette. Notices of intent to designate toxic substances are also published so that comments may be received from interested parties. Comments are invited at two stages in the process: after announcing the initial intent to regulate, and after draft documents have been prepared.

The Standards and Programs Branch or the Program Development Unit, as appropriate, compiles all comments and incorporates these in the final recommendations.

The Division's Legislative Review Committee is responsible for reviewing all proposals and for recommending their acceptance to the Deputy Minister. The Deputy passes them to the Minister who, in turn, presents them to Cabinet or the Legislature for final assent, as necessary.

The foregoing review of the process followed to develop and implement legislation and regulations demonstrates that there are many different parts of the organization involved, but no one group has overall responsibility. To improve coordination and establish accountability it is recommended that:

R.VI.G. - 1: ONE POSITION IN THE DIVISION SHOULD BE RESPONSIBLE FOR PLANNING AND COORDINATING THE DEVELOPMENT OF LEGISLATION AND REGULATIONS.

VII. ORGANIZATION CULTURE

The Division's mandate results in a complex environment in which its personnel must discharge their duties and responsibilities. This complexity derives from:

- the sensitive nature of the Division's work which requires a high degree of judgement in determining appropriate actions to deal with hazards in the workplace;

- the legitimate vested interests and expectations of workers, union officials, employers and other interested parties; and

- the policies and programs of the government which the Division is charged to administer under the Act.

Staff are constantly having to assess the trade-offs involved in coping with these elements. Their effectiveness is substantially influenced by the leadership and style of the Minister and senior managers. This is manifested, and can be judged, by the morale of employees, evidence of team spirit, confidence displayed by managers and staff, and their level of dedication and commitment to achieving the Division's goals and objectives.

This study has revealed that adjustments are necessary to achieve satisfactory working relationships and, thereby, improve the effectiveness of the Division. These relationships must recognize the community of interest of workers, employers and government in occupational health and safety.

A. THE MINISTER'S OFFICE AND THE STAFF OF THE DIVISION MUST BE MUTUALLY SUPPORTIVE

The maximum effectiveness of any Ministry is achieved when the Minister sets clear goals, objectives and policies, when the staff of the Ministry understand those goals and are committed to their

achievement, and when the Minister supports the actions and decisions of the staff in the Legislature, in dealings with other Ministries, and in public. The sense of unity, mutual trust and support resulting from such a relationship leads to public confidence in the work of the Ministry, superior performance and high morale.

This study has revealed that the Minister's office and the staff of the Ministry need to develop such a relationship. The Division must continue to remember that the Minister's office expects it to respond to new policy directives with enthusiasm and commitment. The timely execution of initiatives required by the Minister must remain a top priority.

The style of the present Minister is to respond immediately to questions in the Legislature and to involve himself in the details of current operations. This has led to a feeling on the part of the staff that the Minister's office has been making decisions which were formerly left to the bureaucracy. Of greater concern, the staff also feel that the Minister's office is not supporting them when public allegations are made concerning the competence and integrity of the Division.

These attitudes are understandable, given the advent of a new government which has tried to disassociate itself from the previous administration, and a new Minister who was previously the opposition critic of the Ministry. Inevitably a period of adjustment is necessary to build relationships and to develop mutual confidence. To accelerate this process, to help the Minister to become more familiar with the operations of the Division in the field, and to provide an opportunity for staff to meet the Minister and understand his concerns, two recommendations are offered:

R.VII.A. - 1: THE DEPUTY MINISTER SHOULD TAKE STEPS TO IMPROVE COMMUNICATIONS BETWEEN THE MINISTER'S OFFICE AND THE DIVISION, AIMED AT FOSTERING MUTUAL UNDERSTANDING AND SUPPORT.

R.VII.A. - 2: THE MINISTER SHOULD ESTABLISH A PROGRAM OF REGULAR VISITS TO FIELD OFFICES TO MEET WITH THE DIVISION STAFF AND DEVELOP MUTUALLY SUPPORTIVE RELATIONSHIPS.

Greater teamwork is necessary among employees. Extensive interviews with both field and Head Office personnel have revealed that morale is low among a substantial segment of the staff. Recent events, such as criticism of the Division's performance by the media, by members of the Legislature, and by union officials; confrontations at major establishments such as DeHavilland Aircraft, Woodbridge Foam, and Domtar; the conduct of this review; and the allegations which gave rise to it have placed pressure upon all levels of staff, with resulting detrimental effects. These recent events detract from their effectiveness and have led to attitudes which can best be described, in our opinion, as reactive and defensive. This result is understandable and should not be viewed as criticism of staff. Most employees of the Division are conscientious, hard-working and self-motivated. The critical need is to establish a climate of teamwork, based upon clearly defined goals, objectives and policies. The staff need to understand and relate to a positive vision of the Division's role and the contribution they are expected to make to its achievement. Greater teamwork and productivity will thereby be achieved.

Previous recommendations have emphasized the need for more delegation of accountability from Head Office to field personnel. The decentralization of management decision making and the proposed establishment of a regional management structure are directed to achieve this result. The implementation of this organizational strategy will enhance working relationships and the effectiveness of staff. However, these changes will be productive only if preceded

by the meaningful definition and interpretation of the Division's role. Accordingly, it is recommended that:

R.VII.A. - 3: THE DEPUTY MINISTER, AS A PRIORITY, SHOULD INITIATE A PROCESS OF STRATEGIC PLANNING AS DESCRIBED IN RECOMMENDATION R.VI.A. - 1. THIS SHOULD BE DIRECTED TO PROVIDING STAFF WITH A MEANINGFUL VISION AND INTERPRETATION OF THE DIVISION'S ROLE AND THEIR EXPECTED CONTRIBUTION TO ITS ACHIEVEMENT.

This process will, in itself, serve as the mechanism for providing guidance, direction and support from the Minister, Deputy Minister and other Head Office staff to field personnel. Detailed interpretations of delegated accountabilities and decision-making can be provided. In addition, opportunities will be created for meaningful input into policies and procedures by all staff. This process should also stress the dynamic aspects, the feeling and tone, and the working environment of the Division. This qualitative, intangible aspect is of paramount importance to securing the commitment of staff and to achieving the expected levels of performance and service by the Division.

B. THE DIVISION MUST BE RESPONSIVE TO GOVERNMENT POLICY, EMPLOYER NEEDS AND WORKERS' EXPECTATIONS

The Ministry has a long standing record of good working relationships with senior union officials, such as the Ontario Federation of Labour, the Canadian Auto Workers and the United Steelworkers of America. Meetings have been convened at regular intervals to review and discuss matters of common interest and concern, including proposed changes in legislation and government policy. Our interviews have confirmed the usefulness and soundness of these relationships. We also confirmed that occupational health and safety was not viewed as a matter of unusual concern, albeit individual incidents were the subject of discussion from time to time.

This historical pattern was initially disturbed by the change of government in May, 1985, since the new Minister naturally sought to establish personal contact with union leaders. These have now been made so that the Minister is able to receive direct input on proposed changes to legislation and government policy.

Organized labour looks to its elected union officials for support in the enhancement of worker health and safety, particularly when the IRS is not working and significant deficiencies are readily apparent.

Some union officials have set the improvement of workers' health and safety as a key strategic goal, and have made a series of complaints to employers and the Ministry. They have also exerted pressure through the media and the political process of debate in the Ontario legislature, raising issues such as the inappropriate reliance on the IRS by the Ministry, and various deficiencies in the administration of the Act. These union officials want to become a key party seeking change in the legislation, its administration by the Ministry of Labour, and the role of workers in dealing with health and safety issues. In particular, they are seeking to establish a more meaningful role in the drafting of legislation and the development of government policy.

The brief submitted by OPSEU can be seen, at least in part, as a response to the pressures generated by these external critics of the Ministry. The primary focus of the brief is that any problems with the program are not the fault of the inspectorate but rather are due to inadequate training and support of the inspectorate and to faulty senior management.

Staff of the Ministry have endeavoured to respond to these pressures and expectations. Head Office capabilities were strengthened by

adding resources, such as the Designated Substances Enforcement Unit. Special management practices were implemented, such as crisis management. New policies were implemented to clarify and strengthen the enforcement activities of the Division. However, the weaknesses described in previous sections of this report have still left the staff in a vulnerable situation. They include problems in management systems and organization, inspector training, and human resource management practices. As a result, the staff of the Ministry are defensive, with priorities being set by external pressures. Valuable staff resources of the Ministry have been inappropriately used because they have been distracted from their regular duties. The overall results are unproductive and not conducive to maintaining a strong organization.

The Division has recently introduced new orders and prosecution policies. The objective was to enhance the Division's effectiveness in fulfilling its mandate under the Act and to enhance its credibility with both union officials and employers. The policy statements are technically sound and provide clear guidelines to inspectors and other Division staff in the performance of their responsibilities. However, union officials have reacted by increasing their pressure for more aggressive action, including prosecutions. Employers believe that these new policies undermine the IRS because inspectors are expected to place greater focus on their enforcement role (orders, stop work orders, and prosecutions). Insufficient time is then available for the consultative process to resolve issues. These policy changes have resulted in a significant increase in the number of orders and prosecutions by the Division. However, it is not clear that the policy changes have enhanced the Division's credibility or improved cond'tions in the workplace.

The level of understanding among union officials, employers and workers about the technical requirements of the Act is generally

sound, except in small business establishments, which lack the technical expertise to interpret hazards arising from the handling of toxic substances. However, given the commitment to IRS, sound communications are essential to meeting expectations arising in the workplace. Our review has identified weaknesses in communications among all parties, including the Division, to be one of the primary causes of the difficulties being experienced.

The overriding need is for the Division to understand, interpret and respond to the needs and expectations of employers and workers within the framework of approved government policy. This requires strong leadership and teamwork among the Minister, Deputy Minister and senior managers of the Division. During the conduct of this study, we have observed progress in this area. However, much remains to be done to provide a sense of common vision which, in turn, will generate a feeling of unity and common purpose among the staff of the Division. The end result will be a strong "esprit de corps" among all employees.

This review has confirmed that the Division is fortunate to have a large number of dedicated and well-qualified staff. Most are committed to high levels of performance and to achieving the goals and objectives of the Division. They believe in the importance and relevance of their jobs. Their basic motivation and values are sound. However, there is a need to build up the self-confidence of the Division's employees. This is a key challenge for the Minister, Deputy Minister and senior managers. Skillful leadership will be required on their part to build upon the key strength of employee dedication and commitment in providing a high level of service in the administration of the Occupational Health and Safety Act.

VIII. AN APPROACH TO IMPLEMENTATION

The recommendations arising from this review are summarized in Appendix D. They are far reaching and will result in substantial changes in the way in which the Division is managed. In particular, the proposals for reorganizing the Head Office and for amalgamating most of the Occupational Health Branch with the three line branches in a regionalized delivery service will alter present reporting relationships and channels of communication. To minimize disruption and ensure a smooth transition from the current arrangements to the proposed organization and the adoption of the other recommendation in this report, an implementation plan should be prepared, including the sequence and timing of each major change.

The implementation plan must recognize that the capacity of the Division to absorb major changes is limited and that time will be required to develop the recommendations in greater detail; to explain them to those who will be affected and to receive their comments; to make adjustments to the recommendations where necessary, based on those comments; and to gain the commitment of Division staff. It will also take time to select suitably qualified individuals to fill key positions and there will be inevitable delays until they can assume their new responsibilities.

A further dimension of the implementation task is the need to proceed concurrently on three fronts: organizational change; client programs; and internal management systems. For example, recommendations for improved management systems include training and career development programs and certification procedures for the inspectorate; these are important and demand early attention. They should not be left in abeyance until the new organization is in place, but should be addressed in parallel with changes in the organization structure.

To accommodate these constraints, priorities must be assigned to the recommendations. The following steps address some of the major

EXHIBIT 11

IMPLEMENTATION PLAN

1. Adopt Report.
   Confirm Commitment to the IRS.

2. Appoint Division Head.

3. Prepare Implementation Plan.

INTERNAL PROGRAMS

4. Modernize Information Systems.

6. Improve Training, Career Development and Certification Procedures for Inspectorate. Revise Recruiting Policies.

ORGANIZATION

5. Implement Top Structure, Appoint Executive Director. Plan Regional Organization.

7. Regionalize Field Services.

9. Decide Staffing Levels and Implement.

CLIENT PROGRAMS

8. Implement Toxic Substances Proposals.

recommendations and indicate the sequence in which they should be implemented. The diagram in Exhibit 11, opposite, illustrates the proposed approach.

1. The report should be accepted and adopted in principle. The government's commitment to the philosophy of self-compliance and the principles of the internal responsibility system (R.II.A. - 1) should be reconfirmed.

   The prime responsibility for implementation should be assumed by the Deputy Minister and an implementation task force should be established, chaired by the Deputy, to oversee and coordinate the work.

2. Accountability for the Division should be assigned to a single position of assistant deputy minister rank (R.III.B. - 3 and 4).

3. The Assistant Deputy Minister of the Division should prepare the implementation plan covering the remaining recommendations (R.III.B. - 6).

4. The decision to modernize the Division's information systems (R.VI.E. - 1) should be confirmed and this project should proceed as quickly as possible. The reason for the urgency is that decentralization of field operations in a regional structure should only take place when control procedures to enable Head Office to monitor activities in the regions are in place. If decentralization of authority to regional directors is not accompanied by fully developed information systems that permit Head Office to monitor field operations, the result could be loss of control over the quality of services rendered, inability to ensure compliance with Division policies and standards, and risk of duplication, overlap and excess costs. Because the current state of information systems

is unsatisfactory, and due to the time that will be required to introduce new systems, this project should be started as soon as possible.

5. The Head Office should be reorganized in five sections (R.III.E. - 1); the individuals to head these sections should be appointed and a study should be undertaken to define internal organizational arrangements and relationships (R.III.E. - 2); an Executive Director, Operations, should be appointed and given authority to plan the regional organization, integrating the field services of the Occupational Health Branch, except the chest service, with the Industrial, Construction, and Mining Branches (R.III.C. - 1).

6. Training programs for the inspectorate should be improved (R.IV.C. - 1); career development paths should be established (R.IV.E. - 1);and certification procedures should be introduced (R.IV.F. - 1). Recruiting policies should also be amended (R.IV.A. - 1).

7. The regional organization should then be implemented, one region at a time, beginning in the Northeast (Sudbury) (R.III.C. - 2). The Northeast region is proposed as the place to start because the Mining Branch is located largely in the Sudbury area and it will comprise a major part of that region. The integration of those elements of the Industrial and Construction branches located in that region with the Mining Branch should not prove difficult.

Until such time as the regional structure is introduced, the existing line branches should remain intact, with the branch directors reporting to the Executive Director, Operations. As the field services are progressively regionalized, the staff and facilities should be transferred from the line branches to the regional organization.

8. Recommendations for the control of toxic substances should be implemented (R.V.B. - 1 to 9).

9. The staffing levels in the regions should be decided and implemented (R.V.A. - 3).

The foregoing proposals provide only a skeletal outline of a complete implementation plan. They are included herein to demonstrate that it is possible to approach the implementation of the recommendations in this report in a systematic, logical sequence. There are many other recommendations that will have to be considered, some of which are important and demand early attention. There are also other steps that will have to be taken, such as the preparation of budget forecasts, based on the recommendations, and consultations with Management Board to obtain the required funding.

It is particularly important that the Minister and senior managers in the Division review contacts with organized labour and employer groups to solicit their views on the proposals in this report and to seek their help during implementation. The cooperation of all will be required to achieve a safe and healthy work environment and it is in the interests of the workers of Ontario that it be forthcoming.

APPENDIX A

INTERVIEWS

INTERVIEWS

I. Ministry of Labour

A. MINISTER'S OFFICE

Hon. William Wrye, Minister of Labour

Ms. Maryantonett Flumian, Executive Assistant

Mr. Dwight Duncan, Special Assistant

Mr. Mordecai Ben-Dat, Special Assistant

B. DEPUTY MINISTER

Mr. Glenn R. Thompson, Deputy Minister

Mr. Thomas E. Armstrong, Former Deputy Minister

Mr. Nicholos Ignatieff, Special Adviser to Deputy Minister

C. LABOUR POLICY AND PROGRAMS

Dr. Allen Wolfson, Assistant Deputy Minister

1. Legal Services Branch

   Miss Julia Bass, Director

D. FINANCE & ADMINISTRATION DIVISION

Mrs. Margaret Rodrigues, Executive Director

1. Financial Management and Analysis Branch

   Mrs. Julie Leggatt, Director

2. Communications Branch

   Mr. Robert Cohen, Director

3. Internal and Management Audit

   Mr. D. A. (Al) Anderson, Director

4. Human Resources Branch

Mr. Norman E. Mayne, Director

Ms. Barbara Pidcock, (Acting) Mgr. Human Resources Planning

Ms. Joan Finnie, Senior Staffing Officer

Mr. William Hall, Staff Development Officer

5. Systems Branch

Mr. Michael Roach, Director

E. OCCUPATIONAL HEALTH & SAFETY DIVISION

Dr. Ann E. Robinson, Assistant Deputy Minister

Mr. Brian Goodman, Executive Director

1. Strategic Policy Unit

Ms. Sandra Glasbeek, Manager

2. Executive Director's Office

Ms. Linda Gibson, Executive Assistant

Ms. Mary Beth Currie, Manager of Information Analysis and Director of Appeals

Mr. D'Arcy Hoobin, Assistant Manager of Information Analysis

3. Program Development Unit

Mr. Arthur Gladstone, Program Development Unit Manager

Dr. Donna Brown, Project Leader

4. Designated Substances Enforcement Group

Mr. John Wilson, Chief

5. Construction Health and Safety Branch

Mr. Dmytro Pizak, Director

Mr. James Wilkinson, Regional Administrator

6. Industrial Health and Safety Branch

Mr. Walter Melinyshyn, Director

Miss Melanie Bickford, Executive Assistant

Ms. Pat Coursey, Senior Program Administrator

Miss Monica Harding, Manager, Branch Information Analysis

Tom McGowan, Area Administrator

7. Occupational Health Branch - Head Office

Dr. Peter L. Pelmear, Director

Dr. Mark A. Nazar, Chief, Occupational Health Laboratory

8. Special Studies and Services Branch

Dr. Geoffrey R. Wright, Director

Mr. Richard C. Slee, Executive Assistant

F. MINING HEALTH AND SAFETY BRANCH

Mr. Vic Pakalnis, Director

Mr. John Whiting, Chief Engineer-Operations

G. STANDARDS AND PROGRAMS BRANCH

Mr. Alan Heath, Director

1. Engineering Controls

Mr. Kamal Elguindi, Senior Coordinator

Mr. Victor A. Lopez, Controls Engineer

2. Industry Sector Programming

Ms. K. Betty Hill, Manager

Mr. Joel Waterman, Engineering Coordinator

3. Program Analysis and Evaluation

Ms. Darlene K. Dubbin, Manager

4. Administration and Support Services

Mrs. Agnes Lee, Supervisor, Clerical Support

H. ADVISORY COUNCIL ON OCCUPATIONAL HEALTH AND OCCUPATIONAL SAFETY

Dr. D. R. McCalla, Chairman

Mrs. Virginia Biggar, Executive Assistant

I. INDUSTRIAL RELATIONS DIVISION

Mr. L. Victor Pathe, Assistant Deputy Minister

J. WORKERS' COMPENSATION BOARD

Robert Elgie, M.D., Q.C., Chairman of the Board

Ms. Mary Audia, Executive Director

K. OTHERS

Mrs. Gillian Ansaldo, Inspector, Mississauga

Mr. Michael Bernardi, Inspector, Mississauga

Mr. Christopher Berzins, Policy Branch, Ontario Health and Safety Division

Mr. Barry Blyth, Manager, Industrial Branch

Mr. Tom Burrows, Inspector, Richmond Hill

Mr. Ken Cunningham, Inspector, Ottawa

Mr. Jean Guy Denis, Inspector, Ottawa

Mr. John MacLean, Inspector, Mississauga

Ms. Betty Anne Nurse, Thunder Bay

Mr. Russel Shaw, Inspector, Sarnia

Mr. James Smith, Manager, Ottawa

Mrs. Evelyn Stefov, P. Eng.

Mr. Ron Van Out, Manager, Ottawa

Mr. John Zywine, Inspector, Hamilton

II. Labour Representatives

Mr. James Gill	Canadian Auto Workers
Mr. Joseph DeWitt	Canadian Union of Public Employees
Mr. Collin Lambert	Canadian Union of Public Employees
Ms. Linda Jolley	Ontario Federation of Labour
Mr. Cliff Pilkey	Ontario Federation of Labour
Mr. Edward Waddell	Ontario Federation of Labour
Mr. James Clancy	President Ontario Public Service Employees Union
Dr. Wayne Roberts	Executive Assistant to the President Ontario Public Service Employees Union
Mr. R. De Matteo	Health and Safety Co-ordinator Ontario Public Service Employees Union
Mr. Stanley Gray	Ontario Workers Health Centre
Mr. Norman Cariere	United Steelworkers of America
Mr. Leo Gerard	United Steelworkers of America
Mr. Dennis Abernott	United Steelworkers of America (Sault Ste. Marie, Local 2251)
Mr. Mike Szczepanski	United Steelworkers of America (Sault Ste. Marie, Local 2251)

III. Employers and Safety Associations

Mr. Reginald Shaughnessey	Vice President, Operations Algoma Steel Corporation

Mr. David Stewart	Safety Manager Algoma Steel Corporation
Mr. William Easdale	Vice President DeHavilland
Mr. Eric Kossatz	Vice President Inco
Mr. Ralph Webbe	President Jutras Die Casting Ltd.
Mrs. Wanda Kahale	Executive Assistant Jutras Die Casting Ltd.
Mr. R. E. Henault	Executive Vice President Stelco Inc.
Mr. V. P. Harris	Vice President, Industrial Relations Stelco Inc.
Dr. J. W. Charters	Medical Director Stelco Inc.
Mr. R. J. Milbourne	General Works Manager Stelco Inc.
Mr. Leonard Sylvester	General Manager Construction Accident Prevention Association
Mr. Jim Nugent	General Manager Forest Products Accident Prevention Association
Mr. Finlay	General Manager Industrial Accident Prevention Association
Mr. Frank Loggee	General Manager Ontario Pulp and Paper Makers Safety Association

IV. Provincial Government

Mr. Robert Carman	Secretary of the Cabinet and Clerk of the Executive Council

Mr. Philip Gillies	PC MPP Legislative Assembly of Ontario
Mr. Elie Martel	NDP, MPP Legislative Assembly of Ontario
Mr. Russell H. Ramsay	Chairman Health Disciplines Appeal Board Health Board Secretariat Ministry of Health

V. Health and Safety Professionals

Dr. Gordon Atherly	Director Canadian Centre for Occupational Health and Safety
Dr. James Ham	Chairman Industrial Disease Standards Panel University of Toronto

VI. Other

Dr. Stephen Dupre	Professor of Political Science University of Toronto
Ms. Caroline Tuohy	Professor of Political Science Vice Chairman of ACOHOS University of Toronto

APPENDIX B

FOCUS GROUP MEETINGS

FOCUS GROUP MEETINGS

August 7, 1986

INDUSTRIAL HEALTH AND SAFETY BRANCH

Ms. Sophie Denis	Manager, Hamilton
Mr. Brock Thompson	Area Administrator, Northern Ontario
Mr. Charles Leigh	Manager, Peterborough
Mr. John Greenlaw	Manager, Kitchener

CONSTRUCTION HEALTH AND SAFETY BRANCH

Mr. Jim Wilkinson	Regional Administrator, Scarborough
Mr. Ted Joyce	Manager, London

MINING HEALTH AND SAFETY BRANCH

Mr. Marcel Caron	Area Engineer, Thunder Bay
Mr. Paavo Kivisto	Chief Mining Engineer, Sudbury

OCCUPATIONAL HELATH BRANCH

Mr. Om Malik	Hygienist, London
Dr. Chandra Bilgi	Physician, Hamilton

FOCUS GROUP MEETINGS

August 12, 1986

INDUSTRIAL HEALTH AND SAFETY, INSPECTORS

Ms. Sue Boychuk	Hamilton
Mr. John MacLean	Toronto West
Mr. Dave Naish	Peterborough
Ms. Fadia Mishrigi	Toronto East

CONSTRUCTION HEALTH AND SAFETY, INSPECTORS

Mr. Chuck Blissett	Toronto
Mr. Martin Donat	St. Catharines

MINING HEALTH AND SAFETY, INSPECTORS

Mr. Tom Burrows	Richmond Hill
Mr. Walter Hitchman	Sudbury

OCCUPATIONAL HEALTH BRANCH

Dr. Ted Gregor	Ottawa
Mr. Robert Rae	Toronto West

FOCUS GROUP MEETINGS

August 14, 1986

INDUSTRIAL HEALTH AND SAFETY, INSPECTORS

Mr. Keith Rothney	St. Catharines
Mr. Bill Wilhelm	St. Catharines
Mr. Mike Archambeault	Hamilton
Mr. Dave Cochrane	Kingston
Mr. Erik Mortenson	Sudbury
Mr. Tom Ewing	Barrie

CONSTRUCTION HEALTH AND SAFETY, INSPECTORS

Mr. Henry Kowalewski	Peterborough
Mr. Joe Intine	Hamilton

MINING HEALTH AND SAFETY, INSPECTORS

Mr. Gerry Giasson	Sudbury
Mr. Albert Leroux	Thunder Bay

APPENDIX C

CASE STUDY: ALGOMA STEEL CORPORATION

CASE STUDY

ALGOMA STEEL CORPORATION

SAULT STE. MARIE, ONTARIO

The Algoma Steel Corporation (Algoma) was one of the first companies in the Province to implement an internal responsibility system and its health and safety program has become a role model for others to follow.

The program was made possible by a change in attitude at Algoma towards occupational health and safety which occurred in 1980. The local union, the United Steelworkers of America (USWA), and the executive management of the company were equally concerned over four fatalities that year. As a result, both parties were willing to explore new approaches to health and safety. They agreed to establish a task force to identify the critical problems, and to implement solutions.

The task force was composed of two representatives of senior management, two senior union officials, and two officials from the Division's Industrial Health and Safety Branch. It was chaired by a special advisor from the Industrial Relations Division of the Ministry of Labour.

During preliminary discussions, it became apparent that a special effort was required to establish a better working relationship between the two parties. The forum to initiate this was a Ministry of Labour industrial relations program, known as Relationship by Objectives (RBO). This was the first time RBO was used in the field of occupational health and

safety. The company and union officials decided to send 25 delegates to a three-day RBO session. At the outset of the session, both sides agreed that the best possible health and safety program was their prime objective and, in order to achieve this, occupational health and safety matters had to be kept separate from the collective bargaining process, and isolated from media and political pressures.

The challenge was for each side to prove its sincerity and commitment to this objective. Each side then prepared a list of priorities and it was discovered that several items on the company's agenda were similar to items on the union's agenda. As a result of this agreement, a comprehensive health and safety program was developed and implemented.

A fundamental achievement was the establishment of an effective joint health and safety committee structure. It provides for representation from three levels in the plant: the department; the division; and senior management.

At the shop floor level, each department has a joint health and safety committee which meets once a month. To prevent the politicization of the process, union stewards are not permitted to serve as representatives on the joint health and safety committees and management representatives cannot be involved in the collective bargaining process.

At the next level, each of the four divisions at Algoma have co-chairmen, one from management and one from the union. The committees meet bi-monthly to monitor and review results, and to resolve outstanding concerns.

At the executive level, the Steel Works Committee is co-chaired by the Vice-President of Operations of Algoma, and the Vice President of the USWA local. This committee meets quarterly to review plant-wide

developments, to develop policy and to settle outstanding concerns unresolved at the division level. It is only when an impasse is reached at this level that a Ministry of Labour inspector is called in to resolve the issue and, by mutual agreement, the decision is binding on all parties.

In addition to the joint health and safety committees, various subcommittees were established at the department and division level to provide input for policy development to the Steel Works Committee. These sub-committees have responsibility for developing policy in training and education, hygiene and occupational health, working environment, etc.

Another major accomplishment at Algoma is the development of a comprehensive training program for workers and managers. There was general agreement on both sides that training was required to understand the rights, restrictions, and responsibilities of each party and each individual under the Act.

The first step was a joint video tape presentation by the Vice President of Operations of Algoma and the Vice President of the USWA local. Monitors were provided in the plant and time was allocated for all employees to view the presentation and to ask questions.

A training and education program was then developed by the union for its members who attended the program at the union's office facilities, at the company's expense. A new initiative was implemented this year for an in-plant training program which is jointly developed, presented and received by workers and managers.

Algoma has one of the most comprehensive and successful occupational health and safety programs in the Province. Relations between the union and management are cooperative, and recognized to be mutually beneficial.

The critical factors for success, identified in Chapter II, "The Role of the Division," are all in place. In summary, these success factors are:

- The commitment of senior management and senior labour representatives to a common purpose.

- A supportive and mediative role effectively performed by the Division to facilitate the establishment of the internal responsibility system.

- The separation of occupational health and safety issues from the collective bargaining process and from political pressures.

- The development of a joint health and safety committee structure with decision making authority, and assigned responsibility.

- Reliance on the internal responsibility system to resolve outstanding issues, with the inspector called only in the event of an impasse.

- Comprehensive training and education programs for workers and managers.

APPENDIX D

SUMMARY OF RECOMMENDATIONS

R.II.A. - 1: THE MINISTER OF LABOUR SHOULD CONFIRM THE GOVERNMENT'S COMMITMENT TO THE PHILOSOPHY OF SELF-COMPLIANCE AND THE PRINCIPLES UNDERLYING THE INTERNAL RESPONSIBILITY SYSTEM.

R.II.A. - 2: THE ACT SHOULD BE AMENDED TO INCLUDE, AS A PREAMBLE, AN APPROPRIATE DESCRIPTION OF THE PHILOSOPHY OF SELF-COMPLIANCE AND OF THE PURPOSE AND STRUCTURE OF THE INTERNAL RESPONSIBILITY SYSTEM.

R.II.A. - 3: THE DIVISION SHOULD PREPARE A POLICY STATEMENT WHICH WILL ASSIST MANAGERS AND INSPECTORS TO CORRECTLY INTERPRET THE ACT AND THE IRS, AND TO RESPOND TO MINISTERIAL DIRECTION. THE POLICY SHOULD SUPPORT THE PRINCIPLES OF THE IRS AND THE USE OF JOINT HEALTH AND SAFETY COMMITTEES TO ADDRESS WORKPLACE HAZARDS. EXECUTION OF THE DIVISION'S ROLE SHOULD BE BASED ON SELF-COMPLIANCE, WITH EMPHASIS BEING PLACED ON PROMOTION, PREVENTION AND PUBLIC EDUCATION. THE PRIMARY THRUST OF THE DIVISION SHOULD BE ON CONSULTATIVE ACTIVITIES. ENFORCEMENT POWERS SHOULD BE USED ONLY WHEN THERE HAS BEEN AN INADEQUATE RESPONSE BY THE PARTIES INVOLVED (WORKERS OR EMPLOYERS).

R.II.A. - 4: THE DIVISION SHOULD ALSO DEVELOP AND IMPLEMENT A COMMUNICATIONS PROGRAM AIMED AT INFORMING ALL PARTIES INVOLVED IN WORKPLACE HEALTH AND SAFETY OF ITS ROLE, ACTIVITIES, AND ORGANIZATIONAL RESPONSIBILITIES.

R.II.A. - 5: THE POLICY STATEMENT RECOMMENDED IN R.II.A. - 3 SHOULD RECOGNIZE THE SPECIAL NEEDS OF THOSE WORKPLACES WHICH, DUE TO THEIR SMALL SIZE OR THE TRANSITORY NATURE OF THE WORK FORCE, CANNOT RELY ON THE IRS TO SUSTAIN A SAFE AND HEALTHY ENVIRONMENT.

R.II.B. - 1: THE DIVISION SHOULD UNDERTAKE, AS A PRIORITY, A PROGRAM OF PUBLIC EDUCATION TO FOSTER UNDERSTANDING OF THE ACT, THE ROLE OF JH&S COMMITTEES, AND THE RESPONSIBILITIES OF COMMITTEE MEMBERS.

R.II.B. - 2: INSPECTIONS OF WORKPLACES SHOULD INCLUDE AN EVALUATION OF THE FORM AND CONTENT OF TRAINING PROVIDED TO JH&S COMMITTEES.

R.II.B. - 3: EMPLOYERS SHOULD BE REQUIRED TO CONSIDER ALL RECOMMENDATIONS OF JH&S COMMITTEES. THE EMPLOYERS' RESPONSES TO COMMITTEE RECOMMENDATIONS SHOULD BE SUBMITTED IN WRITING WHEN A RECOMMENDATION IS REJECTED, WITH THE SPECIFIC REASONS FOR REJECTION. INSPECTORS SHOULD BE REQUIRED, AS PART OF REGULAR INSPECTION VISITS, TO REVIEW ALL RECOMMENDATIONS AND RESPONSES TO DETERMINE IF ADEQUATE SUPPORT AND RECOGNITION OF JH&S COMMITTEES ARE BEING PROVIDED BY THE EMPLOYERS.

R.II.B. - 4: PROVISION SHOULD BE MADE IN THE REGULATIONS FOR DISCUSSION OF HEALTH AND SAFETY ISSUES AT SHOP FLOOR, SUPERVISORY AND SENIOR MANAGEMENT LEVELS WITHIN EMPLOYER ORGANIZATIONS.

R.II.B. - 5: EMPLOYERS SHOULD BE SUBJECT TO A MINIMUM FINE OF $5,000 FOR FAILURE TO ESTABLISH JOINT HEALTH AND SAFETY COMMITTEES.

R.II.B. - 6: MANAGEMENT REPRESENTATIVES ON JH&S COMMITTEES SHOULD BE CHOSEN FROM PERSONS DIRECTLY INVOLVED IN PRODUCTION AND MANUFACTURING OPERATIONS, BUT NOT IN COLLECTIVE BARGAINING.

R.II.C. - 1: THE ACT SHOULD BE AMENDED TO INCLUDE, IN THE PREAMBLE, AN APPROPRIATE DESCRIPTION OF THE DIVISION'S PREVENTION ROLE.

R.II.C. - 2: A PREVENTION AND PROMOTION BRANCH SHOULD BE ESTABLISHED WITH A MANDATE TO FORMULATE PREVENTIVE POLICIES AND PROGRAMS, INCLUDING MEDIATION SERVICES.

R.II.D. - 1: THE DIVISION SHOULD FORMALLY RECOGNIZE ITS ROLE IN RESEARCH, PARTICULARLY APPLIED RESEARCH. A RESEARCH PLAN AND POLICIES SHOULD BE ESTABLISHED, AND AN ADEQUATE BUDGET SHOULD BE PROVIDED AND PROTECTED. RESPONSIBILITY FOR COORDINATING ALL RESEARCH ACTIVITIES SHOULD BE ASSIGNED TO THE POLICY AND REGULATIONS BRANCH, UNDER THE CONTROL OF A TECHNICALLY QUALIFIED PROFESSIONAL WITH RESEARCH EXPERIENCE (SEE R.III.E-1).

R.III.B. - 1: THE DEPARTMENTAL FORM OF ORGANIZATION SHOULD BE RETAINED WHEREBY THE DIVISION IS AN INTEGRAL PART OF THE MINISTRY OF LABOUR AND IDENTIFIED AS THE "OCCUPATIONAL HEALTH AND SAFETY DIVISION".

R.III.B. - 2: THE ADVISORY COUNCIL SHOULD BE RETAINED IN ITS PRESENT FORM AND THE MINISTER SHOULD CONTINUE TO SEEK ITS ADVICE ON MATTERS OF POLICY AND LONGER-TERM STRATEGIC ISSUES.

R.III.B. - 3: ACCOUNTABILITY FOR THE DIVISION'S OPERATIONS SHOULD BE VESTED IN A SINGLE POSITION REPORTING TO THE DEPUTY MINISTER AND, SUBJECT TO COMPELLING REASONS TO THE CONTRARY, ALL RESOURCES NECESSARY FOR THE CONDUCT OF THE DIVISION'S ACTIVITIES SHOULD BE UNDER THE DIRECTION OF THAT POSITION.

R.III.B. - 4: THE HEAD OF THE DIVISION SHOULD CARRY THE RANK OF ASSISTANT DEPUTY MINISTER IN RECOGNITION OF THE SCOPE AND COMPLEXITY OF THE RESPONSIBILITIES INVOLVED.

R.III.B. - 5: THE RESOURCES REQUIRED BY THE LINE BRANCHES TO DELIVER EFFECTIVE CLIENT SERVICES SHOULD BE DEPLOYED IN THE FIELD UNDER A DECENTRALIZED MANAGEMENT STRUCTURE. HEAD OFFICE SHOULD RECOGNIZE THAT ITS ROLE IS TO SUPPORT FIELD OPERATIONS.

R.III. B. - 6: FOLLOWING ACCEPTANCE OF THE RECOMMENDATIONS FOR REORGANIZING THE DIVISION, AN IMPLEMENTATION PLAN SHOULD BE PREPARED, INCLUDING A BUDGET AND TARGETS FOR COST REDUCTION AT HEAD OFFICE.

R.III.C. - 1: THE FIELD SERVICES OF THE OCCUPATIONAL HEALTH BRANCH, EXCEPT THE CHEST SERVICE, SHOULD BE INTEGRATED WITH THE INDUSTRIAL, CONSTRUCTION AND MINING BRANCHES IN A NEW FIELD SERVICE DELIVERY ORGANIZATION, HEADED BY AN EXECUTIVE DIRECTOR, OPERATIONS.

R.III.C. - 2: THE FIELD SERVICE SHOULD BE REGIONALIZED WITH FULL PROFESSIONAL, TECHNICAL AND ADMINISTRATIVE SUPPORT SERVICES LOCATED IN EACH REGIONAL OFFICE.

R.III.C. - 3: THE TECHNICAL AND PROFESSIONAL STANDARDS AND POLICIES OF FIELD SERVICE UNITS SHOULD BE ESTABLISHED AND MAINTAINED THROUGH CENTRAL FUNCTIONAL DIRECTION AND THROUGH COMMITTEES, CONFERENCES AND TRAINING PROGRAMS.

R.III.C. - 4: THE SUPPORT SERVICES IN THE EXECUTIVE DIRECTOR'S OFFICE AND IN THE THREE STAFF BRANCHES SHOULD BE RATIONALIZED AND ACCOUNTABILITY FOR EACH SERVICE SHOULD BE CLARIFIED.

R.III.C. - 5: RESPONSIBILITIES FOR DEVELOPING REGULATIONS FOR TOXIC SUBSTANCES SHOULD BE CONSOLIDATED AND ASSIGNED TO A SINGLE POSITION. TO THE EXTENT PRACTICABLE, ALL THE RESOURCES NEEDED TO ACCOMPLISH THIS TASK SHOULD BE CONTROLLED BY THAT POSITION.

R.III.C. - 6: THE ENFORCEMENT ACTIVITES OF THE DESIGNATED SUBSTANCES ENFORCEMENT UNIT SHOULD BE ASSUMED BY THE OPERATIONS GROUP, REPORTING TO THE EXECUTIVE DIRECTOR, OPERATIONS. THE REMAINING ACTIVITES SHOULD BE MANAGED BY THE POSITION IDENTIFIED IN R.III.C. - 5.

R.III.D. - 1: ALL CLIENT SERVICES SHOULD BE DELIVERED THROUGH REGIONAL OFFICES, TENTATIVELY TO BE LOCATED IN TORONTO, OTTAWA, LONDON, HAMILTON, SUDBURY AND THUNDER BAY.

R.VI.D. - 2: THE ACTIVITIES OF THE MINING BRANCH SHOULD BE INTEGRATED WITH THE NORTHEAST REGION, BASED IN SUDBURY.

R.III.D. - 3: THE OFFICE OF THE EXECUTIVE DIRECTOR, OPERATIONS SHOULD BE SUPPORTED BY AN ADMINISTRATIVE UNIT AND A PROFESSIONAL AND SUPPORT SERVICES UNIT.

R.III.D. - 4: THE REGIONAL OFFICES SHOULD HAVE ADMINISTRATIVE AND TECHNICAL SUPPORT SERVICES.

R.III.D. - 5: FOLLOWING APPROVAL IN PRINCIPLE OF THE REGIONAL ORGANIZATION, A STUDY SHOULD BE UNDERTAKEN TO DETERMINE THE OPTIMUM NUMBER, SIZE AND LOCATION OF LOCAL OFFICES, AND THE SUPPORT SERVICES THEY REQUIRE.

R.III.D. - 6: THE "SINGLE WINDOW" CONCEPT OF SERVICE DELIVERY SHOULD BE RETAINED.

R.III.E. - 1: THE DIVISION SHOULD ADOPT A HEAD OFFICE ORGANIZATION STRUCTURE COMPRISING FIVE SECTIONS, REPORTING TO AN ASSISTANT DEPUTY MINISTER, AS SHOWN IN EXHIBIT 7.

R.III.E. - 2: A STUDY SHOULD BE COMMISSIONED TO DEFINE THE INTERNAL ORGANIZATION, WORKING RELATIONSHIPS AND THE ALLOCATION OF RESOURCES WITHIN THE HEAD OFFICE STRUCTURE.

R.IV.A. - 1: RECRUITMENT POLICIES SHOULD BE AMENDED TO REFLECT THE CURRENT DEMANDS OF THE INSPECTOR'S JOB, INCLUDING A REQUIREMENT THAT CANDIDATES HAVE A DEGREE IN ENGINEERING OR SCIENCE FROM A RECOGNIZED UNIVERSITY, OR EQUIVALENT.

R.IV.B. - 1: THE TRAINING UNIT AND THE HUMAN RESOURCES BRANCH SHOULD CONTINUE TO DELIVER TRAINING PROGRAMS. HOWEVER, DIRECT RESPONSIBILITY AND ACCOUNTABILITY FOR TRAINING SHOULD REST WITH EACH LINE BRANCH DIRECTOR. ADDITIONAL RESOURCES SHOULD BE MADE AVAILABLE TO THE INDUSTRIAL AND CONSTRUCTION BRANCHES TO SUPPORT THE DEVELOPMENT AND DELIVERY OF TRAINING PROGRAMS. AS A PRIORITY, FORMAL TRAINING PROGRAMS SHOULD BE DEVELOPED AND PROVIDED IN THESE BRANCHES ON A CONTINUING BASIS.

R.IV.C. - 1: THE INITIAL ON-THE-JOB TRAINING PROGRAM FOR INSPECTORS SHOULD BE FORMALIZED; CORE COURSES SHOULD BE DEVELOPED WITH MANDATORY TESTING. TRAINING PROGRAMS IN OCCUPATIONAL HEALTH AND IMPROVED TRAINING IN THE HANDLING OF TOXIC SUBSTANCES SHOULD BE IMPLEMENTED. AS A POLICY, THE DIVISION SHOULD ALLOCATE 10-15 DAYS ANNUALLY FOR EACH INSPECTOR FOR UPGRADING TRAINING AND PROFESSIONAL DEVELOPMENT. DIVISION PLANS AND BUDGETS SHOULD EXPLICITLY PROVIDE FOR THESE TRAINING AND PROFESSIONAL DEVELOPMENT PROGRAMS. AN ANNUAL REPORT SHOULD BE PROVIDED TO THE DEPUTY MINISTER ON THE STATUS AND LEVEL OF TRAINING PROVIDED TO INSPECTORS.

R.IV.E. - 1: A CAREER DEVELOPMENT PROGRAM SHOULD BE IMPLEMENTED. THE PROGRAM SHOULD PROVIDE FOR FORMALIZED PERFORMANCE APPRAISALS TO BE CONDUCTED AT LEAST ANNUALLY BY FIELD OFFICE MANAGERS. PROMOTIONS TO THE MANAGER LEVEL SHOULD BE BASED ON OBJECTIVE CRITERIA WHICH SHOULD BE DESCRIBED AND COMMUNICATED TO ALL INSPECTORS.

R.IV.F. - 1: THREE LEVELS OF INSPECTOR SHOULD BE ESTABLISHED AND A COMPREHENSIVE TRAINING AND PROFESSIONAL DEVELOPMENT PROGRAM SHOULD BE

IMPLEMENTED. PROMOTIONS SHOULD BE CONSIDERED ONLY AFTER CERTIFICATION AT EACH LEVEL. A MANPOWER INVENTORY OF INSPECTORS AND MANAGERS SHOULD BE MADE TO ASSESS SKILLS AND TO IDENTIFY TRAINING REQUIREMENTS. A CENTRALIZED RESOURCE SHOULD CONTINUE TO COORDINATE THE DELIVERY OF TRAINING PROGRAMS COMMON TO ALL BRANCHES. HOWEVER, WHEN CAPABILITIES DO NOT EXIST WITHIN THE MINISTRY, CURRICULUM CONTENT AND INSTRUCTION SHOULD BE CONTRACTED OUT. FINALLY, SIGNIFICANTLY MORE FINANCIAL RESOURCES SHOULD BE PROVIDED TO IMPLEMENT A COMPREHENSIVE HUMAN RESOURCES PROGRAM FOR THE INSPECTORATE.

R.V.A. - 1: THE COMPLEMENT OF INSPECTORS IN THE CONSTRUCTION AND INDUSTRIAL BRANCHES SHOULD, AS A MINIMUM, BE RESTORED IMMEDIATELY TO THE LEVELS PREVAILING IN 1981 (I.E., 88 AND 125, RESPECTIVELY).

R.V.A. - 2: A STUDY OF THE EFFECTIVENESS OF CYCLICAL INSPECTIONS SHOULD BE CONDUCTED TO ESTABLISH DESIRABLE FREQUENCIES.

R.V.A. - 3: FOLLOWING THE ESTABLISHMENT OF A REGIONAL ORGANIZATION FOR THE DELIVERY OF FIELD SERVICES AND THE COMPLETION OF THE STUDY RECOMMENDED IN R.V.A. - 2, REGIONAL DIRECTORS SHOULD BE INSTRUCTED TO ANALYZE THE STAFFING NEEDS OF THEIR REGIONS FOR INSPECTORS, HYGIENISTS, TECHNICIANS, DOCTORS, NURSES AND ENGINEERS. THE DETERMINATION OF STAFFING LEVELS SHOULD BE BASED UPON SERVICE LEVEL POLICIES AND STANDARDS LAID DOWN CENTRALLY.

R.V.A. - 4: THE REGIONS SHOULD BE PROVIDED WITH THE CAPABILITY TO ANALYZE ACCIDENT AND INJURY TRENDS FOR EACH WORKPLACE, TO IDENTIFY PROBLEMATIC ESTABLISHMENTS, AND TO SCHEDULE AND TARGET INSPECTION VISITS. CONTROL STANDARDS SHOULD BE DEVELOPED TO MONITOR INDIVIDUAL INSPECTOR WORKLOADS AND PERFORMANCE.

R.V.A. - 5: THE OCCUPATIONAL HEALTH BRANCH FIELD STAFF SHOULD BE TRANSFERRED TO THE REGIONAL OFFICES AND SHOULD REPORT TO THE REGIONAL DIRECTORS FOR ASSIGNMENT OF INSPECTIONS. THEY SHOULD CONTINUE TO RECEIVE TECHNICAL SUPPORT AND FUNCTIONAL DIRECTION FROM HEAD OFFICE. (SEE ALSO RECOMMENDATION R.III.D. - 1.)

R.V.A. - 6: THE "SINGLE WINDOW" APPROACH SHOULD BE RETAINED AND ONE INSPECTOR OR SPECIALIST SHOULD BE DESIGNATED TO COORDINATE ALL COMMUNICATIONS AND SERVICES TO A PARTICULAR CLIENT. SPECIALISTS, SUCH AS HYGIENISTS, ENGINEERS, NURSES AND DOCTORS SHOULD BE GIVEN THE POWER TO ISSUE ORDERS, MONITOR COMPLIANCE AND INITIATE PROSECUTIONS.

R.V.A. - 7: THE DIVISION SHOULD PLACE GREATER EMPHASIS ON THE DEVELOPMENT OF DIFFERENT FORMS OF INCENTIVES AND INSPECTION PROGRAMS, SUITED TO THE VARIOUS TYPES OF ONTARIO WORKPLACES, THEIR INHERENT HAZARDS AND ACCIDENT RECORDS.

R.V.A. - 8: THE MOST HIGHLY QUALIFIED INSPECTORS SHOULD BE SELECTED TO CONDUCT INVESTIGATIONS. THEY SHOULD RECEIVE APPROPRIATE TRAINING AND RECOGNITION THROUGH STATUS, TITLE AND REMUNERATION.

R.V.A. - 9: THE DIVISION SHOULD CONTINUE TO SEEK AMENDED LEGISLATION TO INCREASE THE LEVEL OF PENALTIES FOR VIOLATIONS OF THE ACT.

R.V.A. - 10: THE POLICY ON APPEALS SHOULD BE COMPLETED. EFFORTS SHOULD BE CONTINUED TO RESOLVE CONTENTIOUS ISSUES BEFORE A FORMAL HEARING TAKES PLACE. THE MANAGEMENT OF APPEALS SHOULD BE STRENGTHENED TO MONITOR THE STATUS OF ALL APPEALS, TO REDUCE THE BACKLOG AND TO ACCELERATE THE PROCESS.

R.V.A. - 11: A FORMAL NOTIFICATION PROCESS BETWEEN THE INDUSTRIAL AND CONSTRUCTION BRANCHES SHOULD BE ESTABLISHED TO GIVE THE LATTER ADVANCE NOTIFICATION OF PROPOSED CONSTRUCTION PROJECTS.

R.V.B. - 1: THE DIVISION SHOULD CONTINUE TO SELECT SUBSTANCES FOR DESIGNATION. THE BASIS OF SELECTION SHOULD BE OBJECTIVE AND STANDARDIZED CRITERIA, DEVELOPED FROM A COMPREHENSIVE DATA BASE, WHEN AVAILABLE UNDER THE PROPOSED RIGHT TO KNOW LEGISLATION. ALL INTERESTED PARTIES SHOULD BE INFORMED OF THE REASONS FOR THE SELECTION OF PARTICULAR SUBSTANCES.

R.V.B. - 2: THE DESIGNATION OF TOXIC SUBSTANCES SHOULD CONTINUE TO BE THE RESPONSIBILITY OF THE MINISTER OF LABOUR. THE ROLE OF INDUSTRY, LABOUR UNIONS AND OTHER INTERESTED PARTIES SHOULD BE ADVISORY. CONFLICTING VIEWS AMONG THESE PARTIES SHOULD BE RESOLVED BY THE MINISTER, OR HIS DELEGATE, AFTER REASONABLE CONSULTATION.

R.V.B. - 3: RENEWED EFFORTS SHOULD BE MADE TO INVOLVE LABOUR IN THE PROCESS OF SETTING EXPOSURE LIMITS FOR DESIGNATED SUBSTANCES. THEIR PARTICIPATION SHOULD BE ON AN EQUAL FOOTING WITH EMPLOYERS AND THERE SHOULD BE FULL DISCLOSURE OF RELEVANT DATA, SUMMARIZED WHERE NECESSARY TO PROTECT CONFIDENTIALITY, TO ALL PARTIES.

R.V.B. - 4: A DESIGNATED SUBSTANCE REGULATION SHOULD NOT BE INTRODUCED UNTIL THE SUPPORTING EXPLANATORY MATERIAL IS PUBLISHED AND READY FOR DISTRIBUTION. THIS MATERIAL SHOULD BE PREPARED IN COOPERATION WITH RELEVANT SAFETY AND TRADE ASSOCIATIONS, LABOUR UNIONS, AND THE ONTARIO FEDERATION OF LABOUR.

R.V.B. - 5: THE DESIGNATED SUBSTANCE REGULATIONS SHOULD BE AMENDED TO INCLUDE CRITERIA FOR SELECTING THE CO-ORDINATING PHYSICIAN FOR MEDICAL SURVEILLANCE

PROGRAMS. THE SELECTION SHOULD BE MADE BY THE JOINT HEALTH AND SAFETY COMMITTEE.

R.V.B. - 6: THE DIVISION SHOULD ADOPT THE PROPOSED NEW STRATEGY FOR CONTROL OF TOXIC SUBSTANCES. THE PROPOSED "RIGHT TO KNOW" LEGISLATION (BILL 101) SHOULD BE IMMEDIATELY IMPLEMENTED.

R.V.B. - 7: THE DATA BASE OF CHEMICALS USED IN WORKPLACES, AS REQUIRED UNDER "RIGHT TO KNOW" LEGISLATION, SHOULD BE MAINTAINED AT THE LOCAL OFFICES OF THE DIVISION. THESE DATA SHOULD BE UTILIZED IN DETERMINING INSPECTION VISITS AND AS INPUT FOR SELECTING PRIORITY SUBSTANCES FOR DESIGNATION. APPROPRIATE INFORMATION SYSTEMS SHOULD BE DEVELOPED TO SERVE THESE NEEDS.

R.V.B. - 8: THE STANDARDS SETTING PROCESS FOR DESIGNATED SUBSTANCES SHOULD PROVIDE FOR:

- SETTING CRITERIA FOR SELECTING AND ESTABLISHING PRIORITIES FOR SUBSTANCES FOR DESIGNATION, AND
- ESTABLISHING A MULTIPARTITE PANEL COMPRISING LABOUR UNIONS, EMPLOYER GROUPS, AND GOVERNMENT TO DEVELOP THESE CRITERIA, WITH A RECOGNIZED AUTHORITY TO ACT AS A NEUTRAL CHAIRPERSON.

R.V.B. - 9: ADDITIONAL SUBSTANCES SHOULD NOT BE SELECTED FOR DESIGNATION UNTIL THE PREVIOUS RECOMMENDATION HAS BEEN SUCCESSFULLY IMPLEMENTED.

R.VI.A. - 1: THE DIVISION SHOULD INTRODUCE A FORMAL LONG-RANGE STRATEGIC PLANNING PROCESS, SUPPORTED BY A SMALL PLANNING UNIT WHICH WOULD, AMONG OTHER THINGS, MONITOR CONDITIONS IN THE WORKPLACE AND ASSESS RELATED OCCUPATIONAL RISKS.

R.VI.B. - 1: PROCEDURES TO DEAL WITH CRISES SHOULD BE RETAINED AND RULES SHOULD BE LAID DOWN DEFINING THE CIRCUMSTANCES WHERE THEY ARE APPROPRIATE. IN ALL OTHER SITUATIONS, PROBLEMS SHOULD BE RESOLVED THROUGH THE LINE ORGANIZATION, USING STANDARD PRACTICES AND PROCEDURES.

R.VI.C. - 1: THE PROCEDURE FOR DEVELOPING POLICIES SHOULD BE MODIFIED TO ACCELERATE THE PROCESS, WHILE RETAINING AND IMPROVING THE QUALITY OF FIELD INPUT. A TIMETABLE AND WORK PLAN SHOULD BE INTRODUCED TO EXPEDITE THE COMPLETION OF ALL OUTSTANDING POLICIES.

R.VI.E. - 1: AS A TOP PRIORITY, THE DIVISION'S INFORMATION SYSTEMS AND COMPUTER TECHNOLOGY SHOULD BE REVIEWED AND MODERNIZED TO MEET THE NEEDS OF USERS, CONSISTENT WITH THE DIVISION'S ROLE AND ORGANIZATION DESCRIBED IN THIS REPORT.

R.VI.E - 2: REQUESTS FOR INFORMATION FROM THE MINISTER'S OFFICE SHOULD BE MADE THROUGH DEFINED ORGANIZATION CHANNELS. DEADLINES, SCOPE AND SIGNIFICANCE OF REQUESTS SHOULD RECEIVE APPROPRIATE APPROVAL WITHIN THE MINISTER'S OFFICE.

R.VI.E. - 3: MANUAL SYSTEMS SHOULD BE REVIEWED AND STANDARDIZED, WHERE APPROPRIATE, RECOGNIZING THE DIFFERENCES WHICH EXIST BETWEEN BRANCHES, TO FACILITATE ACCESS TO INFORMATION.

R.VI.E. - 4: INTERIM SYSTEMS CHANGES, INCLUDING THE USE OF PERSONAL COMPUTERS, SHOULD BE ADOPTED TO BRIDGE THE GAP UNTIL MAJOR SYSTEMS IMPROVEMENTS ARE IMPLEMENTED.

R.VI.E. - 5: THE PROPOSED CASE MANAGEMENT AND PROSECUTION SYSTEMS IN THE LEGAL BRANCH SHOULD BE INTEGRATED WITH THOSE PROPOSED FOR THE DIVISION.

R.VI.F. - 1: PROVISION SHOULD BE MADE IN ANNUAL PLANS AND BUDGETS FOR ACTIVITIES THAT WILL IMPROVE COMMUNICATIONS; AND MANAGERS SHOULD BE EVALUATED ON THEIR PERFORMANCE IN COMMUNICATING WITH THEIR SUPERIORS AND SUBORDINATES AS PART OF THE NORMAL PERFORMANCE REVIEW PROCESS.

R.VI.F. - 2: A POSITION SHOULD BE ESTABLISHED IN EACH FIELD OFFICE WITH RESPONSIBILITY FOR ANSWERING THE TELEPHONE. PERSONNEL PERFORMING THIS TASK SHOULD BE TRAINED IN THE ACTIVITIES OF THE DIVISION IN ORDER TO MAKE APPROPRIATE RESPONSES AND REFERRALS.

R.VI.F. - 3: THE PROPOSED CLIENT NEWSLETTER SHOULD BE FUNDED AND PUBLISHED REGULARLY.

R.VI.G. - 1: ONE POSITION IN THE DIVISION SHOULD BE RESPONSIBLE FOR PLANNING AND COORDINATING THE DEVELOPMENT OF LEGISLATION AND REGULATIONS.

R.VII.A. - 1: THE DEPUTY MINISTER SHOULD TAKE STEPS TO IMPROVE COMMUNICATIONS BETWEEN THE MINISTER'S OFFICE AND THE DIVISION, AIMED AT FOSTERING MUTUAL UNDERSTANDING AND SUPPORT.

R.VII.A. - 2: THE MINISTER SHOULD ESTABLISH A PROGRAM OF REGULAR VISITS TO FIELD OFFICES TO MEET WITH THE DIVISION STAFF AND DEVELOP MUTUALLY SUPPORTIVE RELATIONSHIPS.

R.VII.A. - 3: THE DEPUTY MINISTER, AS A PRIORITY, SHOULD INITIATE A PROCESS OF STRATEGIC PLANNING AS DESCRIBED IN RECOMMENDATION R.VI.A. - 1. THIS SHOULD BE DIRECTED TO PROVIDING STAFF WITH A MEANINGFUL VISION AND INTERPRETATION OF THE DIVISION'S ROLE AND THEIR EXPECTED CONTRIBUTION TO ITS ACHIEVEMENT.